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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-FIRST SESSION

(30 January - 10 March 1995)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1995

SUPPLEMENT No. 4

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

A State not member of the Commission may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council. The list of participants is contained in annex I.

Annexes I to IV to the present report have been issued separately as *Official Records of the Economic and Social Council, 1995, Supplement No. 4A* (E/1995/23/Add.1-E/CN.4/1995/176/Add.1).

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/24 of 3 March 1995,

1. Decides to authorize the Subcommission on Prevention of Discrimination and Protection of Minorities to establish an inter-sessional Working Group of the Subcommission, consisting of five of its members, which shall meet each year for five working days, initially for a three-year period, in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

2. Requests the Secretary-General to provide the Working Group, within the overall resources of the United Nations, with all the necessary services and facilities to fulfil its mandate.

[See chap. II, sect. A, resolution 1995/24,
and chap. XX.]

II. Establishment of a working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/32 of 3 March 1995,

Reaffirming its resolution 1296 (XLIV) of 23 May 1968, entitled "Arrangements for consultation with non-governmental organizations", in particular its paragraphs 9, 19 and 33, *Recalling* the mandate of the Committee on Non-Governmental Organizations of the Economic and Social Council, especially as contained in paragraph 40 (e) of resolution 1296 (XLIV),

1. *Endorses* Commission on Human Rights resolution 1995/32 of 3 March 1995;

2. *Authorizes* the establishment, as a matter of priority and from within existing overall United Nations resources, of an open-ended inter-sessional working group of the Commission on Human Rights with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People and operating in accordance with the procedures established by the Commission on Human Rights in the annex to resolution 1995/32;

3. *Also authorizes* the open-ended Working Group to meet for 10 working days at the earliest possible date in 1995;

4. *Invites* applications from organizations of indigenous people not in consultative status with the Economic and Social Council which are interested in participating in the Working Group;

5. *Requests* the Coordinator of the International Decade, in accordance with the procedures established by the Commission on Human Rights in resolution 1995/32 and following consultations with the States concerned, in accordance with Article 71 of the Charter of the United Nations, to forward all applications and information received to the Committee on Non-Governmental Organizations of the Economic and Social Council;

6. *Requests* the Committee on Non-Governmental Organizations to meet as necessary to examine the applications and, having considered all relevant information, including any views received from the States concerned, to recommend to the Economic and Social Council those organizations of indigenous people which should be authorized to participate in the Working Group, including at its first session in 1995;

7. *Decides*, on the basis of the recommendations of the Committee on Non-Governmental Organizations, to authorize the participation in the work of the Working Group of interested organizations of indigenous people, in accordance with rules 75 and 76 of the rules of procedure of the functional commissions of the Economic and Social Council;

8. *Requests* the Commission on Human Rights at its fifty-second session to review the progress of the Working Group and to transmit its comments to the Economic and Social Council at its substantive session in 1996;

9. *Requests* the Secretary-General to provide the necessary services and facilities for the implementation of the present resolution.

[See chap. II, sect. A, resolution 1995/32,
and chap. XIX.]

III. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1995/33 of 3 March 1995,

1. *Authorizes* an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-second session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. *Requests* the Secretary-General to extend all the necessary facilities to the working group for its meetings, and to transmit the report of the working group (E/CN.4/1995/38) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1995/33,
and chap. X.]

IV. Question of human rights and states of emergency

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/42 of 3 March 1995 and Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1994/36 of 26 August 1994,

1. *Approves* the Subcommission's request to the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to fulfil his mandate, notably relating to the holding of an expert meeting to study non-derogable rights in states or situations of emergency and the international principles to be taken into account in drafting national legal rules, and to establish a database on states of emergency and related human rights questions;

2. Requests the Secretary-General to place at the disposal of the Special Rapporteur the necessary human and material resources to enable him to fulfil his mandate in accordance with the foregoing.

[See chap. II, sect. A, resolution 1995/42,
and chap. X.]

V. Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/78 of 8 March 1995,

1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights for the elaboration of guidelines on a possible optional protocol on the sale of children, child prostitution and child pornography to elaborate, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, and on the basis of the guidelines contained in its report (E/CN.4/1995/95, annex I), a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to meet for two weeks before the fifty-second session of the Commission on Human Rights;

2. Requests the Secretary-General to provide the working group with all the necessary assistance to enable it to meet and fulfil its task.

[See chap. II, sect. A, resolution 1995/78,
and chap. XXIV.]

VI. Special Rapporteur on the sale of children, child prostitution and child pornography

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1995/79 of 8 March 1995, approves:

(a) The Commission's decision to extend the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography for three years from its fifty-second session, while maintaining the annual reporting cycle;

(b) The Commission's request to the Secretary-General to provide the special Rapporteur with all necessary human and financial assistance, from within existing resources, in order to make possible the full discharge of the mandate possible.

[See chap. II, sect. A, resolution 1995/79,
and chap. XXIV.]

VII. Question of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/79 of 8 March 1995,

1. Authorizes the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks prior to the fifty-second session of the Commission;

2. Requests the Secretary-General to extend to the working group all the necessary services it requires to permit it to meet prior to the fifty-second session of the Commission on Human Rights.

[See chap. II, sect. A, resolution 1995/79,
and chap. XXIV.]

VIII. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1995/84 of 8 March 1995,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the fifty-second session of the Commission in order to continue work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1995/84,
and chap. XXIII.]

B. Draft decisions

1. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/5 of 17 February 1995, approves the Commission's decision to extend the mandate of the Special Rapporteur for three years, and requests the Secretary-General to provide him with all necessary assistance.

[See chap. II, sect. A, resolution 1995/5,
and chap. IX.]

2. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/12 of 24 February 1995, approves the Commission's request to the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its fiftieth session and a comprehensive report to the Commission at its fifty-second session.

[See chap. II, sect. A, resolution 1995/12,
and chap. XVI.]

3. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/13 of 24 February 1995, approves the request to the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development.

[See chap. II, sect. A, resolution 1995/13,
and chap. VII.]

4. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/15 of 24 February 1995, approves the Commission's recommendation to the Centre for Human Rights to convene, as a follow-up to the seminar on indicators, seminars for chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights.

[See chap. II, sect. A, resolution 1995/15,
and chap. VII.]

5. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/17 of 24 February 1995, approves:

(a) The Commission's request to the Secretary-General to take steps to implement the recommendations made by the Working Group on the Right to Development at its second and third sessions, particularly by providing the Centre for Human Rights with a focal unit with the specific task of following up on the Declaration on the Right to Development and its implementation;

(b) The Commission's decision that the Working Group will hold two sessions, each for a two-week period, in April and September 1995 respectively, to formulate its recommendations for submission to the Commission at its fifty-second session;

(c) The Commission's request to the Council to continue to consider the question of the implementation of the provisions of the Declaration on the Right to Development under the agenda item "Human rights questions";

(d) Reiterates the Commission's request to the Secretary-General to ensure that the Working Group is granted all the necessary assistance, in particular human and financial resources, to carry out its mandate.

[See chap. II, sect. A, resolution 1995/17,
and chap. VIII.]

6. Promoting the realization of the right to adequate housing

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/19 of 24 February 1995 and resolution 1994/38 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, decides to approve the Commission's request to the Secretary-General to provide the Special Rapporteur on the right to adequate housing with all the necessary financial, technical and expert assistance required for the completion of his final report.

[See chap. II, sect. A, resolution 1995/19, and chap. VII.]

7. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/23 of 24 February 1995:

(a) Approves the Commission's decision to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental action in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate;

(b) Also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fiftieth session and to report to the Commission at its fifty-second session.

[See chap. II, sect. A, resolution 1995/23, and chap. XXII.]

8. Work of the Subcommission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/26 of 3 March 1995, approves the Commission's decision to invite the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session to come for consultations with the members of the Bureau of the Commission at an appropriate time during the meeting of the Bureau of the Commission at the conclusion of its fifty-first session, and to invite the Chairman of the Subcommission at its forty-seventh session to report to the Commission at its fifty-second session on significant aspects of the work of the Subcommission.

[See chap. II, sect. A, resolution 1995/26, and chap. XIX.]

9. A permanent forum for indigenous people in the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/30 of 3 March 1995:

(a) Endorses the Commission's recommendation made by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session, that the Centre for Human Rights organize a workshop on the possible establishment of a permanent forum for indigenous people with the participation of representatives of Governments, organizations of indigenous people and independent experts;

(b) Recommends that such a workshop be held for a period of three days within existing resources and in accordance with established United Nations practice, prior to the thirteenth session of the Working Group on Indigenous Populations and that the outcome of the workshop be transmitted to the Working Group at its thirteenth session.

[See chap. II, sect. A, resolution 1995/30,
and chap. XIX.]

10. Report of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/31 of 3 March 1995, approves:

(a) The Commission's recommendation that the Working Group on Indigenous Populations be authorized to meet for five working days prior to the forty-seventh session of the Subcommission on Prevention of Discrimination and Protection of Minorities;

(b) The Commission's request to the Secretary-General to give all necessary resources and assistance, from within existing overall United Nations resources, to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies and non-governmental and indigenous organizations, in order to encourage the widest possible participation in its work;

(c) The Commission's request to the Secretary-General to transmit the reports of the Working Group to Governments, indigenous organizations and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions and to ensure that all meetings of the Working Group at its thirteenth session are provided with interpretation and documentation.

[See chap. II, sect. A, resolution 1995/31,
and chap. XIX.]

11. Special process dealing with the problem of missing persons in the territory of the former Yugoslavia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/35 of 3 March 1995, approves:

(a) The Commission's request to the expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia to continue his efforts and to submit a report on his activities to the Commission at its fifty-second session;

(b) The Commission's request to relevant United Nations bodies, including the Office of the United Nations High Commissioner for Refugees and the United Nations Protection Force, the International Committee of the Red Cross and national Red Cross and Red Crescent societies to continue their cooperation with the special process;

(c) The Commission's request to the Secretary-General to continue providing the special process with the necessary resources so that it can perform its functions continuously and expeditiously.

[See chap. II, sect. A, resolution 1995/35,
and chap. X.]

12. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/37 B of 3 March 1995, approves the Commission's decision to extend for three years the mandate of the Special Rapporteur on torture, while maintaining the annual cycle of reporting and the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all his activities in order to enable him to submit his report to the Commission at its fifty-second session.

[See chap. II, sect. A, resolution 1995/37 B,
and chap. X.]

13. Question of enforced disappearances

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/38 of 3 March 1995, approves the Commission's decision to extend for a three-year period the mandate of the Working Group on Enforced or Involuntary Disappearances, composed of five independent experts, in order to enable it to take into consideration all such information concerning enforced, involuntary or arbitrary disappearances, as may be communicated to it on cases brought to its attention, while maintaining the principle of the submission of annual reports, and also approves the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up or holding sessions in countries that would be prepared to receive it.

[See chap. II, sect. A, resolution 1995/38, and chap. X.]

14. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/48 of 3 March 1995:

(a) Endorses the substantive conclusions of the third Workshop for the Asia and Pacific Region on Human Rights Issues, contained in its Chairman's concluding remarks, inter alia, that such workshops should be organized regularly, as proposed by the Government of the Republic of Korea, and if possible annually, with a view to facilitating the exchange of ideas and information regarding matters of common interest in the field of human rights in the Asian and Pacific region;

(b) Approves the Commission's request to the Secretary-General to facilitate the realization of that activity under the regular budget for advisory services and technical assistance, as well as the Commission's request to the Secretary-General to give adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights.

[See chap. II, sect. A, resolution 1995/48, and chap. XI.]

15. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/51 of 3 March 1995, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert so that, taking into account the work of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-second session a report evaluating the measures taken by the Government in accordance with the recommendations made to it.

[See chap. II, sect. A, resolution 1995/51, and chap. XXI.]

16. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/53 of 3 March 1995, approves the Commission's request to the Secretary-General, in accordance with part II, paragraph 16 of the Vienna Declaration and Programme of Action (A/CONF.157/23) and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme.

[See chap. II, sect. A, resolution 1995/53,
and chap. XXI.]

17. The situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/55 of 3 March 1995, approves the Commission's request to the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6 and also approves the Commission's request to the Secretary-General to provide all necessary resources from within the regular budget of the United Nations to enable the Special Representative to continue to fulfil his tasks expeditiously.

[See chap. II, sect. A, resolution 1995/55,
and chap. XXI.]

18. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/56 of 3 March 1995:

(a) Approves the Commission's request to the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, *inter alia* through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards;

(b) Also approves the Commission's request to the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the

Centre for Human Rights, and approves the decision to invite Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of Commission on Human Rights resolution 1995/56.

[See chap. II, sect. A, resolution 1995/56, and chap. XXI.]

19. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/57 of 3 March 1995, approves the Commission's decision to extend for a further three years the mandate of the representative of the Secretary-General on internally displaced persons, also approves the Commission's request to the representative to continue to submit annual reports on his activities to the Commission on Human Rights and the General Assembly, as well as the Commission's request to the Secretary-General to provide, within existing resources, all the necessary human and financial assistance to his representative to fulfil his mandate effectively.

[See chap. II, sect. A, resolution 1995/57, and chap. XI.]

20. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/66 of 7 March 1995, approves:

(a) The Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Cuba for one year;

(b) The Commission's request to the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

(c) The Commission's request to the Special Rapporteur to carry out his mandate, bearing in mind, inter alia, the Universal Declaration of Human Rights, to submit an interim report to the General Assembly at its fiftieth session and to report to the Commission at its fifty-second session on the results of his endeavours pursuant to Commission resolution 1995/66;

(d) The Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1995/66, and chap. XII.]

21. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/68 of 8 March 1995, approves the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, further approves the Commission's request to the Special Representative to submit an interim report to the General Assembly at its fiftieth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'ís, and to report to the Commission at its fifty-second session and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative.

[See chap. II, sect. A, resolution 1995/68,
and chap. XII.]

22. Situation of human rights in Zaire

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/69 of 8 March 1995, approves the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Zaire for an additional year, further approves the Commission's request to the Special Rapporteur to prepare for its fifty-second session a report in which he will, *inter alia*, indicate how the Government of Zaire has taken into account his recommendations and also approves the Commission's request to the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate.

[See chap. II, sect. A, resolution 1995/69,
and chap. XII.]

23. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/70 of 8 March 1995, approves the Commission's request to the Secretary-General to appoint an independent expert to furnish assistance to the Government of Haiti in the area of human rights, to examine the development of the situation of human rights in Haiti and to monitor the fulfilment by Haiti of its obligations in this field, further approves the Commission's request to the Independent Expert to submit a report on the implementation of resolution 1995/70 to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session and also approves the Commission's request to the Secretary-General to provide, at the request of the Government of Haiti, advisory services to that country in the area of human rights.

[See chap. II, sect. A, resolution 1995/70,
and chap. XII.]

24. Situation of human rights in Equatorial Guinea

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/71 of 8 March 1995, approves the Commission's decision to renew the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea for one year, further approves the Commission's request to the Special Rapporteur to report to the Commission at its fifty-second session and also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance for the discharge of his mandate.

[See chap. II, sect. A, resolution 1995/71,
and chap. XII.]

25. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/72 of 8 March 1995, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar to establish or continue contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and its request to him to report to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session, and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1995/72,
and chap. XII.]

26. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/73 of 8 March 1995,

(a) Approves the Commission's decision to extend for a three-year period the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions;

(b) Approves the Commission's request to the Secretary-General to provide the Special Rapporteur, from within existing resources and as a matter of priority, with additional human, financial and material resources, keeping in mind the comments on this matter in the report of the Special Rapporteur (E/CN.4/1995/61, paras. 369-371), in order to enable him to carry out his mandate effectively, including through country visits.

[See chap. II, sect. A, resolution 1995/73,
and chap. XII.]

27. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/74 of 8 March 1995, approves the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and the Commission's request to the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-second session and to consider submitting a report to the General Assembly at its fiftieth session, and also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1995/74,
and chap. XII.]

28. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/76 of 8 March 1995, approves:

(a) The Commission's decision to extend for a further year the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993 and 1994/74 of 9 March 1994, and its request to him to report periodically to the Commission on Human Rights on the situation of human rights in Iraq and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fiftieth session and a report to the Commission at its fifty-second session;

(b) The Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to take the necessary measures in order to send a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq, and its request to him to provide appropriate additional resources, from within existing overall United Nations resources, to fund the sending of human rights monitors.

[See chap. II, sect. A, resolution 1995/76,
and chap. XII.]

29. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/77 of 8 March 1995, approves the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for an additional year, further approves its request to him to report his findings and recommendations to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session, and also approves the Commission's request to the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate.

[See chap. II, sect. A, resolution 1995/77,
and chap. XII.]

30. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/81 of 8 March 1995, approves the Commission's decision to appoint for a three year period, a special rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, and requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance for the fulfilment of his or her mandate.

[See chap. II, sect. A, resolution 1995/81,
and chap. XIV.]

31. Question of integrating the human rights of women into the human rights mechanisms of the United Nations

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/86 of 8 March 1995, approves the Commission's demand to the High Commissioner for Human Rights, in convening a meeting of persons chairing the human rights treaty bodies and working groups, as well as special rapporteurs, representatives and experts, to consider, in coordination with the Commission on the Status of Women and the Division for the Advancement of Women, ways in which the human rights of women can be integrated into the reports and work of organs, bodies and mechanisms across the United Nations system and to report on progress made on this issue at the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, and to the Commission on Human Rights at its fifty-second session.

[See chap. II, sect. A, resolution 1995/86,
and chap. XI.]

32. Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/89 of 8 March 1995, approves:

(a) The Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, as defined in its resolution 1994/72, and its request to him to continue his vital efforts, especially by carrying out all such additional missions as he deems necessary, in particular to the Federal Republic of Yugoslavia (Serbia and Montenegro), and to continue to submit periodic reports, as appropriate, to the Commission and the General Assembly, and its request to the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the International Conference on the Former Yugoslavia;

(b) The Commission's request to the Secretary-General to take steps to assist in obtaining the active cooperation of all United Nations bodies in implementing Commission on Human Rights resolution 1995/89 and, pursuant to paragraph 28 of General Assembly resolution 49/196 of 23 December 1994, to make available, from within the overall budgetary framework of the United Nations, all necessary resources requested by the Special Rapporteur, including for his field staff, to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the countries under his mandate in order to provide first-hand, timely reports on the situation of human rights there and to ensure coordination with other United Nations bodies involved, including the United Nations Protection Force.

[See chap. II, sect. A, resolution 1995/89,
and chap. XII.]

33. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/90 of 8 March 1995, approves the Commission's demand to the Chairman of the Commission to appoint rapidly, after consultation with the Bureau, a special rapporteur with the task of drawing up, on the basis of all the information he considers relevant and his contacts with the Burundi authorities and population, a report on the situation of human rights in Burundi for submission to the Commission at its fifty-second session.

[See chap. II, sect. A, resolution 1995/90,
and chap. XII.]

34. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/91 of 8 March 1995, approves:

(a) The Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Rwanda, as set out in resolution S-3/1 of 25 May 1994, for an additional year, and its request to the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate;

(b) The Commission's request to the Secretary-General to provide all necessary resources to the Special Rapporteur, taking into account the operational plan for the human rights field operation in Rwanda and the need to deploy a sufficient number of human rights field officers to assist the Special Rapporteur to fulfil his mandate, and further its request to him to take appropriate steps to ensure adequate financial and human resources for the delivery of programmes of technical assistance and advisory services, especially in the field of the administration of justice as requested by the Government of Rwanda.

[See chap. II, sect. A, resolution 1995/91,
and chap. XII.]

35. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/93 of 10 March 1995, approves the Commission's request to the Secretary-General to convene, at least twice a year at Geneva, meetings with all interested States to provide information on the activities conducted by the Centre for Human Rights and its process of restructuring.

[See chap. II, sect. A, resolution 1995/93,
and chap. XXV.]

36. A world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance

The Economic and Social Council, taking note of Commission on Human Rights decision 1995/104 of 24 February 1995, approves the Commission's recommendation to the General Assembly to consider at its fiftieth session the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance.

[See chap. II, sect. B, decision 1995/104,
and chap. XVI.]

37. Human rights and income distribution

The Economic and Social Council, taking note of Commission on Human Rights decision 1995/105 of 24 February 1995, approves the Commission's decision to appoint Mr. José Bengoa as Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account the preliminary and final reports of the Special Rapporteur of the Subcommission on human rights and extreme poverty and matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field; and also approves the request to the Special Rapporteur to submit a preliminary report to the Subcommission at its forty-seventh session, a progress report at its forty-eighth session and a final report at its forty-ninth session.

[See chap. II, sect. B, decision 1995/105,
and chap. VII.]

38. Organization of the work of the fifty-second regular session

The Economic and Social Council, taking note of Commission on Human Rights decision 1995/106 of 3 March 1995 and of Economic and Social Council decision 1994/297 of 29 July 1994, approves the Commission's recommendation that the dates of the Commission's regular session be rescheduled, on a one-year trial basis, so that the next regular session would be held from 18 March to 26 April 1996.

[See chap. II, sect. B, decision 1995/106,
and chap. III.]

39. Protection of the heritage of indigenous people

The Economic and Social Council, taking note of decision 1995/108 of 3 March 1995 of the Commission on Human Rights:

(a) Welcomes the preliminary report on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31) and the relevant principles and guidelines contained in its annex;

(b) Expresses its deep appreciation to the Special Rapporteur, Ms. Erica-Irene Daes;

(c) Requests the Secretary-General to submit the principles and guidelines to indigenous people's organizations, communities and nations, as well as to Governments, specialized agencies and intergovernmental and non-governmental organizations concerned, for their comments;

(d) Authorizes the Special Rapporteur to prepare her final report taking into consideration, inter alia, the comments and information received and to submit it to the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-seventh session;

(e) Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to carry out her mandate successfully.

[See chap. II, sect. B, decision 1995/108, and chap. XIX.]

40. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Economic and Social Council, taking note of decision 1995/109 of 3 March 1995 of the Commission on Human Rights and decision 1994/116 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that the Special Rapporteur, Mr. Miguel Alfonso Martínez, make all possible efforts to submit his second progress report in 1995 to the Working Group on Indigenous Populations at its thirteenth session and to the Subcommission at its forty-seventh session, as well as his final report to both bodies in 1996. The Council also endorses the recommendation to request the Secretary-General to give the Special Rapporteur all the necessary assistance to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights, and the resources needed for a research mission to the Vatican archives in Rome.

[See chap. II, sect. B, decision 1995/109, and chap. XIX.]

41. The right to a fair trial

The Economic and Social Council, recalling its decision 1994/251 of 22 July 1994, approves the endorsement by the Commission on Human Rights, contained in its decision 1995/110 of 3 March 1995, of the proposal of the Subcommission on Prevention of Discrimination and Protection of Minorities that the study on the right to a fair trial and a remedy, prepared by the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, be published, as described in Subcommission resolution 1994/35 of 26 August 1994, and requests the Secretary-General to provide all assistance necessary for the publication of the study.

[See chap. II, sect. B, decision 1995/110, and chap. X.]

42. Traditional practices affecting the health of women and children

The Economic and Social Council, taking note of Commission on Human Rights decision 1995/112 of 3 March 1995 and resolution 1994/30 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, approves the Commission's endorsement of the Subcommission's recommendations that:

(a) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for two more years, in order to enable her to undertake an in-depth study to assess, inter alia, the differences and similarities between traditional practices affecting the health of women and children in many parts of the world, taking into consideration, among other relevant documents and information, the conclusions and recommendations of the regional seminars and the effects of the implementation of the plan of action for the elimination of harmful traditional practices affecting the health of women and children;

(b) The Special Rapporteur be requested to submit her preliminary report to the Subcommission at its forty-seventh session and her final report at its forty-eighth session;

(c) The Secretary-General be requested to provide all the assistance that the Special Rapporteur may require in the exercise of her mandate.

[See chap. II, sect. B, decision 1995/112,
and chap. XI.]

43. Organization of the work of the fifty-second session

The Economic and Social Council, taking note of Commission on Human Rights decision 1995/115 of 10 March 1995, approves:

(a) The Commission's recommendation to authorize, if possible within existing financial resources, 40 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-second session;

(b) The Commission's request to the Chairman of the Commission at its fifty-second session to make every effort to organize the work of the session within the time normally allotted, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. II, sect. B, decision 1995/115,
and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-FIRST SESSION

A. Resolutions

1995/1. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, including Jerusalem,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Taking note of the report (E/CN.4/1995/19) of the Special Rapporteur, Mr. René Felber, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/49/511),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling on Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 and of the following agreement, whereby violations of human rights will end through the full withdrawal of Israeli forces from the occupied Palestinian territory, including Jerusalem,

Recalling all its previous resolutions on the subject, including the latest, resolution 1994/3 of 18 February 1994,

1. Deeply regrets the continued violations of human rights in the occupied Palestinian territory since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, in particular the continuation of acts of killing and the detention of thousands of Palestinians without trial, the continuation of the extension and the establishment of Israeli settlements, the confiscation of property of Palestinians and the expropriation of their land;

2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

3. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law, and its commitments to the provisions of the Charter and resolutions of the United Nations;

4. Also calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

5. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-second session;

6. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

7. Decides to consider the question at its fifty-second session as a matter of high priority.

29th meeting
17 February 1995
[Adopted by a roll-call vote of 26 to 2,
with 21 abstentions. See chap. IV.]

1995/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the population of the occupied Syrian Golan due to the violation of their human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 49/36 D of 9 December 1994, in which the Assembly, inter alia, called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/49/511) and, in this connection, regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

Noting with satisfaction the convening in Madrid of the International Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, with the hope that substantial and concrete progress will be achieved on the Syrian and Lebanese tracks for the realization of a just, comprehensive and lasting peace in the region, Reaffirming its previous relevant resolutions, the most recent being resolution 1994/2 of 18 February 1994,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-second session;

7. Decides to include in the provisional agenda of its fifty-second session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

29th meeting
17 February 1995
[Adopted by a roll-call vote of 25 votes to 1,
with 23 abstentions. See chap. IV.]

1995/3. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 1990/1 of 16 February 1990, 1991/3 of 15 February 1991, 1992/3 of 14 February 1992, 1993/3 of 19 February 1993 and 1994/1 of 18 February 1994 which, inter alia, reaffirmed the illegality of the Israeli settlements in the occupied territories,

Gravely concerned at the continued establishment by the Israeli Government and at its allowing the establishment of settlers in the occupied territories, which may change the physical character and demographic composition of the occupied territories,

Welcoming the positive development which originated with the International Peace Conference on the Middle East, convened in Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed in Washington by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 and the subsequent Agreement on the Gaza Strip and the Jericho Area, signed in Cairo by the same parties on 4 May 1994, as well as all their continuing efforts for the creation of a peaceful and stable environment in the Middle East,

Noting the report (E/CN.4/1995/19) submitted by the Special Rapporteur pursuant to resolution 1993/2 A of 19 February 1993, in which he refers, inter alia, to the continued resort to expropriation and to the expansion of existing settlements,

Convinced that a complete cessation by Israel of its policy of expanding the settlements would constitute, especially at the present stage of the peace process, a meaningful contribution to the creation of a peaceful and stable environment,

1. Reaffirms that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. Regrets that the Government of Israel has not fully complied with the provisions of Commission on Human Rights resolutions 1990/1, 1991/3, 1992/3, 1993/3 and 1994/1;

3. Urges the Government of Israel to abstain fully from installing any settlers in the occupied territories and to prevent any new installation of settlers in these territories.

29th meeting
17 February 1995
[Adopted by a roll-call vote of 46 votes to 1,
with 3 abstentions. See chap. IV.]

1995/4. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, and in particular part I, paragraphs 2 and 3, relating to the right to self-determination of all peoples and especially those subject to foreign occupation,

Noting Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard, including the latest, resolution 1994/5 of 18 February 1994, Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, from 1976 to 1994, have been submitted to the Security Council through the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle to and a grave violation of human rights according to part I, paragraph 30, of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, aimed at enabling the Palestinian people to achieve their national rights and, principally, their right to self-determination free of external intervention,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Palestinian territories, including Jerusalem, and the other Arab territories which it has occupied since 1967 by military force, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-second session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda of its fifty-second session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

29th meeting
17 February 1995
[Adopted by a roll-call vote of 27 votes to 1,
with 22 abstentions. See chap. IX.]

1995/5. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Recalling the purposes enshrined in the Charter of the United Nations concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, as well as the need for scrupulous respect for the principle of the non-use of force or threat of use of force in international relations as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Recognizing that mercenaries are used for activities which violate these principles,

Alarmed at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States,

Concerned at the grave menace that the increasing activities of mercenaries represent in many parts of the world,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economies of affected States,

Recalling all relevant resolutions adopted by the United Nations General Assembly,

Recalling also all its previous resolutions on this matter,

Recalling further that the General Assembly, in its resolution 49/150, requested the Special Rapporteur to report to the Assembly at its fiftieth session,

Convinced that it is necessary to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

1. Reaffirms that the recruitment, use, financing and training of mercenaries should be considered offences of grave concern to all States;

2. Urges all States to prevent mercenaries from using any part of their territory to destabilize any sovereign State;

3. Calls upon all States that have not yet done so to consider taking early action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

4. Decides to extend the mandate of the Special Rapporteur for three years;

5. Also decides that the Special Rapporteur, in carrying out his mandate, shall seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;

6. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

7. Requests the Special Rapporteur to report to the Commission at its fifty-second session on his activities;

8. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

9. Decides to consider at its fifty-second session the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation";

10. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 1]

29th meeting
17 February 1995
[Adopted by a roll-call vote of 34 votes to 1, with 15 abstentions. See chap. IX.]

1995/6. Middle East peace process

The Commission on Human Rights,

Recalling its resolution 1994/4 of 18 February 1994, Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1994/13 of 25 August 1994, General Assembly resolutions 49/88 of 16 December 1994 and 48/58 of 14 December 1993, and Economic and Social Council resolution 1994/29 of 27 July 1994,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Stressing that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict will constitute a significant contribution to strengthening international peace and security, and is a critical condition for the furthering of human rights in the region,

Recalling the convening of the International Peace Conference on the Middle East in Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

Bearing in mind the Declaration of Principles on Interim Self-Government Arrangements, signed by Israel and the Palestine Liberation Organization in Washington, D.C. on 13 September 1993, and the subsequent Agreement on the Gaza Strip and the Jericho Area, signed by the Government of Israel and the Palestine Liberation Organization in Cairo on 4 May 1994,

Also bearing in mind the Agreement between Israel and Jordan on the Common Agenda, signed in Washington, D.C. on 14 September 1993, the Washington Declaration, signed by Jordan and Israel on 25 July 1994, the 29 August 1994 agreement on the preparatory transfer of powers and responsibilities, and the Jordan-Israel Treaty of Peace of 26 October 1994,

1. Stresses the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. Emphasizes that the achievement of such a peace is vital to the full implementation of human rights in the area;

3. Welcomes the peace process started in Madrid and supports the subsequent bilateral negotiations;

4. Also welcomes the establishment of the Palestinian Authority and its positive efforts to develop sound governance based on the will of the Palestinian people and democratic procedures;

5. Calls upon the Centre for Human Rights to make available, on request, its programme of advisory services and technical assistance to the Palestinian Authority, and invites Governments to contribute to the programme;

6. Expresses its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed by Israel and the Palestine Liberation Organization, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, the 29 August 1994 agreement on the preparatory transfer of powers and responsibilities, the Agreement between Israel and Jordan on the Common Agenda, the Washington Declaration signed by Jordan and Israel on 25 July 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994, which constitute important steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

7. Encourages the continuation of negotiations on the implementation of the next stage of the Declaration of Principles.

29th meeting
17 February 1995
[Adopted by a roll-call vote of 50 votes. See chap. IX.]

1995/7. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1994/6 of 18 February 1994,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to the proposals of the Secretary-General of the United Nations and the current Chairman of the Conference of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Also recalling Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993 and 907 (1994) of 29 March 1994 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Taking note of the adoption of resolution 973 (1995) by the Security Council on 13 January 1995,

Taking note of the statement made by the President of the Security Council on 29 July 1994,

Welcoming the appointment of Mr. Erik Jensen as Deputy Special Representative of the Secretary-General for Western Sahara and the progress made, under his guidance, by the Identification Commission of the United Nations Mission for the Referendum in Western Sahara, Stressing the importance and usefulness of the resumption of direct talks between the two above-mentioned parties in order to create an atmosphere conducive to the speedy and effective implementation of the settlement plan for the question of Western Sahara,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/49/23 (Part V), chap. VIII),

Having also examined the report of the Secretary-General (A/49/492),

1. Takes note with satisfaction of the report of the Secretary-General;

2. Pays tribute to the Secretary-General and his Deputy Special Representative for their action with a view to settling the question of Western Sahara through the implementation of the settlement plan;

3. Reaffirms its support for the efforts which the Secretary-General will continue to make for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with resolutions 658 (1990) and 690 (1991), in which the Security Council adopted the settlement plan for the question of Western Sahara;

4. Also reaffirms that the objective to which all parties concerned subscribe is the holding of a free, regular and impartial referendum for the people of Western Sahara organized and supervised by the United Nations in cooperation with the Organization of African Unity and without any military or administrative constraint, in accordance with the settlement plan;

5. Endorses the content of the statement by the President of the Security Council dated 29 July 1994, in which the Security Council, among other things, welcomes the progress made so far on the issues referred to in the report of the Secretary-General with a view to the implementation of the settlement plan, pays tribute, in particular, to the Identification Commission for the work it has accomplished and to the Deputy Special Representative for the efforts he has made under resolution 907 (1994) of 29 March 1994 and invites the two parties to continue to cooperate with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara with a view to implementing the settlement plan as soon as possible;

6. Expresses hope that the direct talks between the two parties will resume soon in order to create an atmosphere conducive to the speedy and effective implementation of the settlement plan;

7. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its fiftieth session;

8. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-second session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

29th meeting
17 February 1995
[Adopted without a vote. See chap. IX.]

1995/8. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

The Commission on Human Rights,

Recalling its resolutions 1993/9 of 26 February 1993 and 1994/10 of 18 February 1994,

Recalling also General Assembly resolution 48/258 of 23 June 1994 and Security Council resolution 919 (1994) of 25 May 1994,

Taking note with appreciation of the final report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1995/23),

Recalling the contributions made over the decades by the United Nations, the Commission on Human Rights, States Members of the United Nations, regional and non-governmental organizations and the international community as a whole to the efforts leading to the end of apartheid,

Noting with great satisfaction the establishment of a united, non-racial and democratic government in South Africa,

1. Expresses its profound satisfaction at the entry into force of South Africa's new Constitution on 27 April 1994, the holding of democratic elections from 26 to 29 April 1994, the convening of South Africa's new Parliament on 5 May 1994 and the installation on 10 May 1994 of its President and Government of National Unity;

2. Congratulates all South Africans and their political leaders on their success in bringing apartheid to an end and in laying, through broad-based negotiations, the foundations for a new, non-racial and democratic South Africa with equal and guaranteed rights for all;

3. Notes the importance of actions taken by the General Assembly, the Security Council and the Economic and Social Council, which have contributed significantly to the end of apartheid and the establishment of a democratic and united, non-racial South Africa;

4. *Commends* the Organization of African Unity, the Commonwealth, the European Union and the Movement of Non-Aligned Countries for their support to the process of peaceful change culminating in the elections;

5. *Expresses* its appreciation to the Ad Hoc Working Group of Experts on southern Africa for the important role it has played in support of the efforts to eliminate apartheid in South Africa and to establish a non-racial and democratic society in that country;

6. *Considers* that the mandate of the Ad Hoc Working Group of Experts has been successfully concluded, and decides to terminate it as of the date of adoption of the present resolution;

7. *Decides* to remove from the agenda of its fifty-second session the item entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts".

29th meeting
17 February 1995
[Adopted without a vote. See chap. V.]

1995/9. *Monitoring and assisting the transition to democracy in South Africa*

The Commission on Human Rights,

Recalling its resolution 1994/8 of 18 February 1994,

Recalling also resolution 1994/3 of the Subcommission on Prevention of Discrimination and Protection of Minorities of 12 August 1994,

Noting with great satisfaction the establishment of a non-racial and democratic South Africa,

Taking note of the final report of the Special Rapporteur of the Subcommission, Ms. Judith Sefi Attah (E/CN.4/1995/24),

1. *Expresses its appreciation* to the Special Rapporteur for monitoring the transition to democracy in South Africa and for the important role she has played in support of the efforts to eliminate apartheid in South Africa and to establish a non-racial society in the country;

2. *Expresses its profound satisfaction* at the entry into force of South Africa's new Constitution on 27 April 1994, the holding of one person/one vote elections from 26 to 29 April 1994, the convening of South Africa's new Parliament on 5 May 1994 and the installation on 10 May 1994 of its President and Government of National Unity;

3. *Considers* that the mandate of the Special Rapporteur to monitor the transition to democracy in South Africa has been successfully concluded, and decides to terminate it as at the date of adoption of the present resolution;

4. *Decides* to remove from its agenda, as of its fifty-second session, the item entitled "Monitoring and assisting the transition to democracy in South Africa".

30th meeting
17 February 1995
[Adopted without a vote. See chap. VI.]

1995/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 2922 (XXVII) of 15 November 1972 and 3068 (XXVIII) of 30 November 1973,

Recalling also its resolution 12 (XXXVI) of 26 February 1980,

Recalling further its resolution 1993/10 of 26 February 1993,

Convinced that apartheid and apartheid-like practices are an insult to humanity and constitute a total negation of the purposes and principles of the Charter of the United Nations,

Noting with great satisfaction that the era of apartheid in South Africa has come to an end,

Warmly welcoming the establishment of a united, non-racial and democratic government in South Africa,

Acknowledging with appreciation the contribution of the international community, in particular the Group of Three, in the efforts towards the eradication of apartheid,

Noting the report of the Group of Three (E/CN.4/1995/76),

1. *Recognizes* that the diligent application and monitoring of the International Convention on the Suppression and Punishment of the Crime of Apartheid by the international community greatly assisted the dismantling of apartheid in South Africa;

2. *Aware* that apartheid as defined by the International Convention on the Suppression and Punishment of the Crime of Apartheid no longer exists anywhere;

3. *Affirms* that, as noted by the Group of Three in its report, potential situations of practices of racial segregation that might exist outside South Africa would be covered under the International Convention on the Elimination of All Forms of Racial Discrimination;

4. Decides to remove from the agenda of its fifty-third session the item entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid";

5. Also decides to suspend meetings of the Group of Three as from the date of adoption of the present resolution.

30th meeting
17 February 1995
[Adopted without a vote. See chap. XV.]

1995/11. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination,

Recalling its resolution 1994/9 of 18 February 1994,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973 on the First Decade for Action to Combat Racism and Racial Discrimination, and 38/14 of 22 November 1983 on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action (A/CONF.157/23) to the elimination of racism, racial discrimination, xenophobia and related intolerance,

Welcoming also the peaceful transition towards a non-racial and democratic South Africa, Noting with grave concern that, despite the efforts of the international community, the principal objectives of two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly, at its forty-fifth session, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware that indigenous people are at times victims of particular forms of racism and racial discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, whereby the General Assembly decided to proclaim a Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

1. Declares that all forms of racism and racial discrimination, whether institutionalized or resulting from official doctrines of racial superiority or exclusivity, such as "ethnic cleansing", are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

5. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism and racial discrimination and to provide relief and assistance to the victims of these evils;

6. Invites the Secretary-General to take action to coordinate all the programmes currently being carried out by United Nations bodies with a view to achieving the objectives of the Third Decade;

7. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports full information on such workers;

8. Also requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment, and to submit, *inter alia*, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, so that it can enter into force as soon as possible;

10. Urges the Secretary-General, United Nations bodies and specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

11. Requests the Secretary-General to publish and distribute as soon as possible the model legislation on racism and racial discrimination for the guidance of Governments in the enactment of further legislation against racial discrimination;

12. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

13. Regrets that some of the activities for the Second Decade to Combat Racism and Racial Discrimination have not been implemented because of lack of adequate resources;

14. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

15. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

16. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

17. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund,

and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

18. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the bienniums 1994-1995 and 1996-1997;

19. Takes note of the report of the Secretary-General on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1995/77);

20. Recommends that the activities mentioned in the plan of activities to be carried out during the first third of the Third Decade to Combat Racism and Racial Discrimination (1994-1997), as contained in the report of the Secretary-General to the Economic and Social Council at its substantive session of 1994 (E/1994/97), should be implemented;

21. Invites the Secretary-General to do his utmost to establish a focal point within the United Nations Centre for Human Rights, which will be responsible for reviewing information concerning activities carried out within the framework of the Third Decade and making specific recommendations on activities to be undertaken;

22. Requests the Secretary-General to submit to the Commission on Human Rights a detailed annual report on:

(a) All activities of Member States, United Nations bodies, the specialized agencies and non-governmental organizations, analysing information received on such activities to combat racism and racial discrimination;

(b) Measures to be taken to improve the coordination of the activities of the Programme of Action or to supplement, on the basis of the discussions in plenary, the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

23. Decides to consider at its fifty-second session, as a matter of high priority, the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

41st meeting
24 February 1995
[Adopted without a vote. See chap. XVI.]

1995/12. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1994/64 of 9 March 1994,

Recalling General Assembly resolution 49/147 of 23 December 1994, Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the outcome of the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action (A/CONF.157/23) to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Taking note of resolution 1994/2 of 12 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, and in particular the recommendation contained therein,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination, submitted to the Subcommission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1995/78 and Add.1),

Deeply concerned that, despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racial violence, continue to persist and even grow in magnitude, incessantly adopting new forms,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers,

Underlining the importance of eliminating the growing manifestations of racism, racial discrimination and xenophobia taking place in segments of many societies and of creating conditions to foster greater harmony and tolerance within societies,

1. Takes note of the recommendation of the Subcommission on Prevention of Discrimination and Protection of Minorities relating to the possible convening of a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance;

2. Takes note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

3. Expresses its support for the work of the Special Rapporteur and for its continuation;

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism and all racist violence, including related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism, xenophobia and racial discrimination against migrant workers and other vulnerable groups in many societies;

6. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

7. Appeals to Governments to further the measures they are taking in this respect by making efforts to harmonize their relevant domestic legislation, introducing, where necessary, effective means of enabling racist motivations to be taken into account when sentencing, and promoting international cooperation against racist groups at the international, regional and bilateral levels;

8. Requests the Special Rapporteur to continue to examine in accordance with his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission at its fifty-second session;

9. Also requests the Special Rapporteur to continue his exchange of views with the relevant mechanisms and treaty bodies within the United Nations system in order further to enhance their effectiveness and mutual cooperation;

10. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

11. Requests the Special Rapporteur to make the fullest use of all additional sources of information, including country visits and the evaluation of mass media, and to elicit the responses of Governments with regard to allegations;

12. Encourages the Special Rapporteur, in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations, to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance;

13. Also encourages the Special Rapporteur to present concrete recommendations on specific measures which could be taken at the national, regional and international levels, with a view to preventing and eradicating problems within the purview of his mandate;

14. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

15. Invites all Governments to study and, where possible, take measures to provide assistance to and rehabilitation of victims of acts of racism, racial discrimination, xenophobia and related intolerance;

16. Requests the Secretary-General to elicit the views of Governments on the possibility of using existing voluntary funds and of establishing a new voluntary fund for the rehabilitation and social reintegration of victims of acts of racism, racial discrimination, xenophobia and related intolerance, and to prepare a report thereon to be submitted to the General Assembly at its fiftieth session for its consideration;

17. Regrets that the Special Rapporteur encountered difficulties in preparing his present report, owing to the lack of necessary resources;

18. Requests the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its fiftieth session and a comprehensive report to the Commission at its fifty-second session.

41st meeting
24 February 1995
[Adopted without a vote. See chap. XVI.]

1995/13. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further General Assembly resolution 32/130 of 16 December 1977, Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992, 1993/40 of 26 August 1993 and 1994/40 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (E/CN.4/1991, annex),

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization and full enjoyment of economic, social and cultural rights,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Aware of the fact that the Working Group on the Right to Development identified the problem of foreign debt as one of the obstacles to the implementation of the Declaration on the Right to Development,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Noting that developing countries still meet their debt obligations at considerable cost to their economies,

Noting with regret the negative effects of the policies adopted to face situations of external debt on the realization and enjoyment of economic, social and cultural rights,

Stressing that the present international economic order continues to be unfair and needs to be transformed, Stressing also that measures for debt reduction need to be accompanied by vigorous measures aimed at improving the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993 and 1994/11 of 25 February 1994,

Taking into account the report submitted by the Secretary-General in accordance with its resolution 1994/11 (E/CN.4/1995/25 and Add.1 and 2),

1. Endorses the report submitted by the Secretary-General in accordance with its resolution 1994/11;

2. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Also stresses the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial and multilateral debt owed by developing countries, taking into account, in particular, the needs of debtor countries;

4. Emphasizes that, in addition to debt-relief measures that include debt and debt-service reduction, there is a need for new financial flows to debtor developing countries, and urges the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes, so as to enable them to achieve adequate technological and productive progress and extricate themselves from the debt overhang and to assist them in achieving economic growth and development and to compensate in some measure the developing countries which meet their obligations at considerable cost to their economies;

5. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

6. Requests the Working Group on the Right to Development to continue to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights and to make recommendations in this regard;

7. Recognizes that there is a need for more transparency in the activities of international financial institutions;

8. Requests the international financial institutions to report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies on the full enjoyment of economic, social and cultural rights in the developing countries;

9. Stresses that foreign debt continues to be one of the major obstacles to the realization of the right to development;

10. Considers that, in order to find a durable solution to the debt crisis of developing countries and in addition to technical measures that should be implemented in order to alleviate the debt burden of those countries, there is a need for a political dialogue between creditor and debtor countries in the United Nations system, based on the principle of shared responsibility, and in this regard requests the Secretary-General to recommend ways and means to carry out this dialogue, and to submit a report to the Commission on Human Rights at its fifty-second session;

11. Also considers that the above-mentioned dialogue should contribute to the initiation of an integral process aimed at restructuring the international economic order with the objective of achieving more equitable and fair relations among all nations of the world;

12. Affirms that the process of consultations already initiated by the Secretary-General in accordance with Commission resolution 1994/11 should lead to the convening of high-level meetings at regional and world levels;

13. Requests the High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries;

14. Requests the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development;

15. Decides to continue to consider, at its fifty-second session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms".

41st meeting
24 February 1995
[Adopted by a roll-call vote of 33 votes to 15,
with 4 abstentions. See chap. VII.]

1995/14. Human rights and the environment

The Commission on Human Rights,

Recalling General Assembly resolutions 43/196 of 20 December 1988, 44/172 A and B of 19 December 1989, 44/228 of 22 December 1989, 45/211 of 21 December 1990, 46/168 of 19 December 1991 and 47/190 of 22 December 1992,

Recalling also its resolutions 1993/90 of 10 March 1993 and 1994/65 of 9 March 1994,

Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I) and Agenda 21 (A/CONF.151/26, vol. II), adopted by the United Nations Conference on Environment and Development on 14 June 1992,

Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights,

Taking note of the reports submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7 and E/CN.4/Sub.2/1994/9 and Corr.1),

Taking into account resolutions 1994/27 and 1994/37 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Conscious of the mandate of the Commission on Sustainable Development for the implementation of Agenda 21 and of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums,

Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, Reaffirming that States have common but differentiated responsibilities and capabilities, as defined in Agenda 21,

Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should vigorously implement the existing conventions related to the dumping of toxic and dangerous products and waste and cooperate in the prevention of illicit dumping,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to, the transfer and the development of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, including the traditional knowledge of indigenous people and local communities, as well as the special needs of developing countries for the implementation of Agenda 21,

1. Reaffirms principle number 1 of the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I), which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature;

2. Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations;

3. Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living;

4. Takes note of the final report of the Special Rapporteur on human rights and the environment of the Subcommission on Prevention of Discrimination and Protection of Minorities, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1994/9 and Corr.1);

5. Requests that the Special Rapporteur's final report be published by the United Nations in all the official languages;

6. Recalls that everyone should enjoy the benefit of scientific progress and its application and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern;

7. *Also recalls* chapter 33 of Agenda 21 (A/CONF.151/26, vol. II) on the provision of new and additional financial resources to developing countries to achieve sustainable development;

8. *Requests* the Secretary-General to submit to the Commission on Human Rights, at its fifty-second session, a report containing the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations on the issues raised in the report of the Special Rapporteur of the Subcommission;

9. *Decides* to continue its consideration of this question at its fifty-second session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development."

41st meeting
24 February 1995
[Adopted without a vote. See chap. VII.]

1995/15. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of living in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights, Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, which has underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international solidarity and cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Welcoming the decision taken by the General Assembly, in its resolution 47/92 of 16 December 1992, to convene a World Summit for Social Development, to take place in Copenhagen in March 1995, which will have among its objectives to put the needs of people at the centre of development and of international cooperation and to identify common problems of socially marginalized and disadvantaged groups and promote their integration into society,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for an effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1994/20 of 1 March 1994,

1. Affirms that the full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of the two general discussions held by the Committee in 1994 on the role of social safety nets as a means of protecting economic, social and cultural rights and on human rights education and public information activities, and welcomes the decision of the Committee to hold at its next session a general discussion on the interpretation of the obligations incumbent upon States parties to the Covenant;

4. Encourages States parties to continue to give their full support and cooperation to the Committee and to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

5. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

6. Takes note of the steps taken by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, and invites the Committee to report thereon to the Commission on Human Rights at its fifty-second session;

7. Recognizes the importance of using appropriate indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action (A/CONF.157/23);

8. Notes the conclusions and recommendations of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, held at Geneva in January 1993;

9. Recommends that, as a follow-up to the seminar on indicators, the Centre for Human Rights convene expert seminars for chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, as well as to seek the participation of communities affected by the non-realization of these rights;

11. Invites States parties to the International Covenant on Economic, Social and Cultural Rights, in the light of its article 2 and of General Comment number 3 (1990) adopted by the Committee on Economic, Social and Cultural Rights (E/1991/23, annex III), to identify specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of the minimum essential levels of each of the rights;

12. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights, and in this framework recognizes the interest of the second progress report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, to the Subcommission at its forty-sixth session (E/CN.4/Sub.2/1994/20);

13. Welcomes the preparatory document on the relation between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. Asbjørn Eide (E/CN.4/Sub.2/1994/21), and encourages the Subcommission to continue to give attention to this issue;

14. Takes note with deep appreciation of the reports on the realization of economic, social and cultural rights submitted by the Special Rapporteur of the Subcommission, Mr. Danilo Türk, and reaffirms its requests to the Secretary-General to ensure the publication of the study of the Special Rapporteur in a single document;

15. Welcomes the suggestion made by the Special Rapporteur that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened, in particular by encouraging the participation of the representatives of those institutions in the meetings of the human rights organs;

16. Also welcomes the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase

their participation in the meetings of human rights bodies, including the treaty monitoring bodies, as well as to assess the impact of their policies and programmes on the enjoyment of human rights;

17. Requests the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;

18. Also requests the High Commissioner for Human Rights to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

19. Encourages the High Commissioner for Human Rights to continue to take into full consideration economic, social and cultural rights in carrying out his mandate;

20. Encourages country rapporteurs to consider including, when appropriate, a specific reference to the enjoyment of economic, social and cultural rights in their reports;

21. Encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means for evaluating and monitoring their realization;

22. Requests the World Summit for Social Development to acknowledge the human rights dimensions of social development, to use the rights recognized by the human rights conventions as a basis for relevant sections of the programme of action to be adopted by the Summit and to acknowledge the central role of the relevant treaty bodies in monitoring commitments that may appear in the programme of action;

23. Decides to consider issues raised in the present resolution at its fifty-second session under the appropriate agenda item.

41st meeting
24 February 1995
[Adopted without a vote. See chap. VII.]

1995/16. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in the Charter of the United Nations, the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of all human rights are essential if all individuals are to participate freely and responsibly in the development of the society in which they live,

Welcoming the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, emphasizing that the existence of extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must be accorded high priority by the international community, and reaffirming that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve a better understanding of extreme poverty and its causes, including those related to the problems of development, in order to promote the human rights of the poorest, to put an end to extreme poverty and social exclusion and to promote the enjoyment of social progress,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Subcommission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Subcommission should give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, its resolution 1992/11 of 21 February 1992, its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty, and its resolution 1994/12 of 25 February 1994, in which it approved the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and the denial of human rights,

Recalling also General Assembly resolution 49/179 of 23 December 1994 entitled "Human rights and extreme poverty", in which the Assembly reaffirmed that extreme poverty and social exclusion constituted a violation of human dignity and that it was essential for States to foster participation by the poorest, and expressed its satisfaction at the aspects of extreme poverty to which the Commission had invited the Special Rapporteur to give special attention in preparing his reports,

Recalling decisions 1991/6 entitled "Reaching the poorest" and 1993/8 entitled "UNICEF programmes for the urban poor", adopted by the Executive Board of the United Nations Children's Fund,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all countries of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 48/183 of 21 December 1993, in which the Assembly proclaimed the International Year for the Eradication of Poverty, which will be celebrated in 1996,

Emphasizing furthermore the importance of the reflections developed in the context of the World Summit for Social Development, which will take place in Copenhagen in March 1995, on the issue of the eradication of extreme poverty,

Mindful of the report of the Secretary-General on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2), submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-third session, and his note on the subject (E/CN.4/Sub.2/1992/50) submitted to the Subcommission at its forty-fourth session,

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, the promotion of human rights and efforts to combat extreme poverty;

3. Acknowledges that this question will be considered in the future in the light of the declaration and programme of action to be adopted by the World Summit for Social Development;

4. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

5. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

6. Welcomes the fact that the Committee on the Rights of the Child, in its discussions and work, gives attention to the situation of children living in extreme poverty with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child, and encourages the Committee to continue in this way;

7. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what people living in extreme poverty, including the very large number of women and children in this situation, endure and thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them;

8. Endorses resolution 1994/41 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities in which the Subcommission took note with appreciation of the interim report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1994/19);

9. Takes note of the proposal of the Subcommission contained in its draft decision 11 (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I.B), and recommends that it be considered subsequently in the light of the conclusions of the current study on human rights and extreme poverty;

10. Welcomes the holding of the innovative seminar on extreme poverty and the denial of human rights from 12 to 14 October 1994 at United Nations Headquarters, which enabled persons and families living in extreme poverty from poverty-stricken areas all over the world to participate in a common reflection with experts and representatives of international, intergovernmental and non-governmental organizations, and takes note with appreciation of the report of the seminar (E/CN.4/1995/101) which it recommends to the attention of the Special Rapporteur and which it requests the Secretariat to transmit to the secretariat of the World Summit for Social Development;

11. Takes note of the conclusions and recommendations of the seminar on extreme poverty and the denial of human rights (E/CN.4/1995/101, chap. IV);

12. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

13. Also invites the Special Rapporteur to give attention to the declaration and programme of action to be adopted by the World Summit for Social Development;

14. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including, as appropriate, assistance from those with experience of the subject;

15. Welcomes the events organized by the United Nations to celebrate the International Day for the Eradication of Poverty on 17 October, which, in accordance with Commission on Human Rights resolutions 1993/13 and 1994/12, focused on the poorest and gave due attention to events organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty" which have underlined the relationship between extreme poverty and the full enjoyment of human rights;

16. Invites States, United Nations bodies and intergovernmental and non-governmental organizations to continue to give due attention, in celebrating the International Day for the Eradication of Poverty, to the various forms of poverty;

17. Decides to examine this question at its fifty-second session under agenda item 7.

41st meeting
24 February 1995
[Adopted without a vote. See chap. VII.]

1995/17. The right to development

The Commission on Human Rights,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter, Reaffirming also the principles contained in the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Underlining that the right to development as a universal and inalienable right and an integral part of fundamental human rights was reaffirmed by the Vienna Declaration and Programme of Action (A/CONF.157/23) and that the human person is the central subject of development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner and on the same footing, and the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Recalling General Assembly resolutions 49/183 of 23 December 1994 and its own resolutions 1994/11 of 25 February 1994 and 1994/21 of 1 March 1994,

Reaffirming the need for a relevant evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development, and the need to provide the Centre for Human Rights with a focal unit with the specific task of following up the implementation of the Declaration,

Taking note with interest of the meeting of the Chairman of the Working Group on the Right to Development with members of the Committee on Economic, Social and Cultural Rights at the ninth session of that Committee and the participation of the Chairman of the Committee on Economic, Social and Cultural Rights and the Vice-Chairman of the Committee on the Rights of the Child in the meetings of the Working Group at its second and third sessions, respectively,

Noting that the Assistant Secretary-General for Human Rights addressed a letter, dated 14 April 1994, to the Executive Secretaries of the regional commissions and the heads of the international financial institutions enjoining them to participate actively in the sessions of the Working Group and to contribute substantially to its work,

Welcoming the active process of inter-agency consultations with a view to finalizing the draft declaration and the draft programme of action to be adopted at the World Summit for Social Development, the holding of the United Nations Conference on Human Settlements (Habitat II) and the commitment of the High Commissioner for Human Rights to undertake high-level consultations with heads of State or Government, heads of the multilateral financial institutions, specialized agencies and intergovernmental and non-governmental organizations on the implementation of adequate measures in order to find a durable solution to the debt crisis of developing countries,

Having considered the reports of the Working Group on the Right to Development on its second and third sessions (E/CN.4/1995/11 and E/CN.4/1995/27),

1. Takes note with appreciation of the reports of the Working Group on the Right to Development on its second and third sessions, and welcomes its recommendations;

2. Welcomes the efforts made by the Working Group, which are increasingly oriented towards the establishment of a permanent evaluation mechanism in the future to follow up the implementation of the Declaration on the Right to Development in accordance with the pertinent resolutions of the Commission and the General Assembly;

3. Urges the Secretary-General to take further necessary measures in order to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development and the work of the Working Group on the Right to Development;

4. Requests the Secretary-General to take steps to implement the recommendations made by the Working Group in its second and third sessions, particularly by providing the Centre for Human Rights with a focal unit with the specific task of following up on the Declaration on the Right to Development and its implementation;

5. Urges the Working Group to continue to identify ways and means and to suggest further concrete measures to promote an international economic environment which is more responsive to the needs of the developing countries, particularly the least developed among them, so as to allow the right to development to be implemented;

6. Recommends that the Economic and Social Council dedicate, as early as possible, the high-level segment of one of its substantive sessions to evaluating the implementation of the Declaration on the Right to Development within the United Nations system, including the work of the international financial institutions and other specialized agencies and taking into account the work of the Working Group and its report and the conclusions of the World Summit for Social Development to be held in Copenhagen on this issue;

7. Recommends that the question of the realization of the right to development be adequately reflected in the work and the final outcome of the World Summit for Social Development, particularly with regard to creating an enabling economic and social environment and the means of implementing and following up on the results of the Summit;

8. Also recommends that consideration be given to including the question of the right to development on the agenda of other forthcoming conferences to be convened by the United Nations, including, in particular, the United Nations Conference on Human Settlements (Habitat II) and the Fourth World Conference on Women: Action for Equality, Development and Peace, and the substantive session of the Commission on Sustainable Development;

9. Decides that the Working Group will hold two sessions, each for a two-week period, in April and September 1995 respectively, to formulate its recommendations for submission to the Commission at its fifty-second session;

10. Calls on the Centre for Human Rights to give priority to the right to development by making it a sub-programme of its programme of activities for the years 1992-1997 and of its future programme of activities;

11. Requests the Economic and Social Council at its substantive session for 1995, under the agenda item "Human rights questions", to continue to consider the question of the implementation of the provisions of the Declaration on the Right to Development;

12. Requests the High Commissioner for Human Rights to continue promoting the implementation of the right to development and the Declaration on the Right to Development, inter alia, by working closely with the Working Group on the Right to Development and making recommendations for enhancing the support of relevant bodies of the United Nations system, in fulfilment of his mandate to promote and protect the realization of the right to development;

13. Reiterates its request to the Secretary-General to ensure that the Working Group is granted all the necessary assistance, in particular human and financial resources, to carry out its mandate;

14. Decides that the reports of the Working Group on its work should, along with other relevant documentation relating to development, be made available to the General Assembly in the context of the celebration of the fiftieth anniversary of the United Nations;

15. Requests the Secretary-General to submit to the Commission at its fifty-second session a report on the implementation of the present resolution;

16. Decides to consider the question of the right to development at its fifty-second session, under the item entitled "Question of the realization of the right to development".

42nd meeting
24 February 1995
[Adopted by a roll-call vote of 36 to 15,
with 1 abstention. See chap. VIII.]

1995/18. Succession of States in respect of international human rights treaties

The Commission on Human Rights,

Recalling its resolution 1994/16 of 25 February 1994,

Taking note of the report of the Secretary-General (E/CN.4/1995/80) on action taken with respect to the implementation of its resolution 1994/16 and the comments made thereon,

Bearing in mind relevant decisions and recommendations of the Human Rights Committee and the Committee on the Elimination of Racial

Discrimination, as well as of the fifth meeting of persons chairing the human rights treaty bodies, on succession issues in respect of international obligations in the field of human rights,

Welcoming the recommendation of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols,

Emphasizing once again the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State, and noting in this connection the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms,

Welcoming the progress made in the confirmation by some successor States of their obligations under international human rights treaties,

1. _Reiterates_ its call to successor States which have not yet done so to confirm to appropriate depositaries that they continue to be bound by obligations under international human rights treaties;

2. _Emphasizes_ the special nature of the human rights treaties aimed at the protection and promotion of human rights and fundamental freedoms;

3. _Requests_ the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations;

4. _Requests_ the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessor States were a party;

5. _Requests_ the Secretary-General to report to the Commission at its fifty-second session in regard to action taken under this agenda item;

6. _Decides_ to continue the consideration of this question at its fifty-second session under the agenda item entitled "Status of the International Covenants on Human Rights".

42nd meeting
24 February 1995
[Adopted without a vote. See chap. XVII.]

1995/19. _Promoting the realization of the right to adequate housing_

The Commission on Human Rights,

Taking note of resolution 1994/38 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, Recalling its resolution 1994/14 of 25 February 1994,

Recalling also its decision 1993/103 of 4 March 1993,

Welcoming the second progress report of the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sacher (E/CN.4/Sub.2/1994/20),

1. Invites the Special Rapporteur to submit his final report to the Subcommission at its forty-seventh session;

2. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his final report;

3. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap.I, sect. B, draft decision 6]

42nd meeting
24 February 1995
[Adopted without a vote. See chap. VII.]

1995/20. Violence against women migrant workers

The Commission on Human Rights,

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Reaffirming the principles set forth in the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 34/180 of 18 December 1979,

Stressing that the promotion of the human rights of women constitutes an integral part of the human rights activities of the United Nations, as reaffirmed in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Welcoming the Programme of Action of the International Conference on Population and Development, held in Cairo from 5 to 13 September 1994, which called upon all countries to take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women,

Noting the large numbers of women from developing countries and from some economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families, as a consequence of poverty, unemployment and other socio-economic situations in their home countries, while acknowledging the primary duty of States to work for conditions that provide employment for their citizens, Recognizing that it is for the sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training/education and to apprise them of their rights and obligations in the countries of employment,

Aware of the obligation of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including migrant workers, and in particular women migrant workers, who are doubly vulnerable because of their gender and their being foreigners,

Noting with concern the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some of their employers in some host countries,

Stressing that acts of violence directed against women impair or nullify the enjoyment by women of their human rights and fundamental freedoms,

Convinced of the need to eliminate all forms of discrimination against women and the need to protect them from gender-based violence,

1. Expresses grave concern at the plight of women migrant workers who become victims of physical, mental and sexual harassment and abuse;

2. Recognizes with appreciation the efforts exerted by some receiving countries to alleviate the negative situation of women migrant workers;

3. Recalls, in this context, General Assembly resolution 48/104 of 20 December 1993, in which the Assembly proclaimed the Declaration on the Elimination of Violence against Women;

4. Welcomes measures to strengthen the human rights of women and the establishment of closer ties between the organs dealing with women's issues and rights in the United Nations, through a special programme of activities, as envisioned in the proposed revision to the medium-term plan for the period 1992-1997;

5. Invites States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and in ensuring health and social services for them, adopting specific measures to address those problems, setting up, as necessary, appropriate mechanisms to implement those measures, and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Calls upon the countries concerned to take appropriate measures to ensure that law-enforcement officials assist in guaranteeing the full protection of the rights of women migrant workers, consistent with international obligations of Member States;

7. Urges both sending and host countries to help ensure that women migrant workers are protected from unscrupulous recruitment practices and, if needed, by the adoption of legal measures;

8. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

9. Invites trade unions to support the realization of the rights of women migrant workers by assisting them in organizing themselves so as to enable them better to assert their rights;

10. Calls upon relevant bodies and specialized agencies of the United Nations system, intergovernmental organizations and non-governmental organizations to inform the Secretary-General of the extent of the problem and to recommend further measures to achieve the purposes of the present resolution;

11. Requests treaty-monitoring bodies and non-governmental organizations concerned with violence against women to include, where appropriate, the situation of women migrant workers in their deliberations and findings and to supply relevant information to United Nations bodies and Governments;

12. Calls upon relevant specialized agencies of the United Nations system, intergovernmental bodies and non-governmental organizations concerned, in cooperation with both the sending and the host countries, to conduct seminars and training programmes on human rights instruments, particularly those pertaining to migrant workers;

13. Invites all States to adopt, with the support of relevant non-governmental organizations, appropriate measures to provide support services to women migrant workers who have become traumatized as a consequence of violation of their rights by, inter alia, unscrupulous employers and/or recruiters, to provide resources for their physical and psychological rehabilitation and to facilitate their return to their countries of origin;

14. Invites the World Summit for Social Development, the Fourth World Conference on Women: Action for Equality, Development and Peace and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider including in their respective programmes of action the subject of the traffic in women and girls;

15. Invites the Special Rapporteur of the Commission on Human Rights on violence against women to continue to include among the urgent issues pertaining to her mandate the violence perpetrated against women migrant workers and to consider including her findings in her report to the Commission on Human Rights at its fifty-second session;

16. Decides to continue to consider the question at its fifty-second session under the agenda item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

42nd meeting
24 February 1995
[Adopted without a vote. See chap. XIII.]

1995/21. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, urges all States to guarantee the protection of the human rights of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Recalling its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on and promoting the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Bearing in mind that the Vienna Declaration and Programme of Action invite all States to consider the possibility of signing and ratifying the Convention at the earliest possible time, Recalling that, in its resolution 1994/17 of 25 February 1994, the Commission requested the Secretary-General to submit to it at its fifty-first session a report on the status of the Convention,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1995/73);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

5. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the Commission at its fifty-second session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

7. Decides to include in the provisional agenda of the fifty-second session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

42nd meeting
24 February 1995
[Adopted without a vote. See chap. XIII.]

1995/22. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/119 of 20 December 1993 and its own resolution 1994/15 of 25 February 1994,

Mindful that the International Covenants on Human Rights constitute all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights, Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1995/79),

Noting that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, and the adoption of the Vienna Declaration and Programme of Action (A/CONF.157/23), and taking into account in particular the call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify or accede to them and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Encourages States, in accordance with the Vienna Declaration and Programme of Action, to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate such reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

6. Also encourages States parties to review periodically any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed conditions and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work, as well as to pay due attention to equal enjoyment of human rights by women and men;

9. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar questions of human rights to accept these uniform standards as expressed in the general comments of the two Committees;

10. Takes note of the measures taken by the Committee on Economic, Social and Cultural Rights towards the elaboration of a draft optional protocol to the International Covenant on Economic, Social and Cultural rights as recommended by the World Conference on Human Rights, and requests the Committee to submit a report on the matter to the Commission on Human Rights at its fifty-second session;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants, with their agreement, in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with additional means to deal effectively and in a timely manner with the increasing workload;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-second session, a report on the status of the International Covenant on Economic, Social and Cultural rights, the International Covenants on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

18. Decides to include in the provisional agenda of its fifty-second session the agenda item entitled "Status of the International Covenants on Human Rights".

42nd meeting
24 February 1995
[Adopted without a vote. See chap. XVII.]

1995/23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 49/188 of 23 December 1994, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and requested the Special Rapporteur on the question of religious intolerance to submit an interim report to the General Assembly at its fiftieth session,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Emphasizing also the importance of education in ensuring tolerance of religion and belief, and taking note with interest of the Special Rapporteur's questionnaire on religious education (E/CN.4/1995/91, annex) as a contribution to an increased understanding of this matter,

Considering that the inclusion of events relating to tolerance and religious diversity among the activities to be undertaken during the United Nations Year for Tolerance will contribute to greater tolerance and understanding in matters of religion and belief,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, threaten the enjoyment of human rights and fundamental freedoms in many parts of the world,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur on the question of religious intolerance, and takes note of his report (E/CN.4/1995/91);

3. Notes with grave concern the continuing instances of hatred, intolerance and acts of violence, based upon intolerance in matters of religion and belief and upon religious extremism, as identified by the Special Rapporteur, which threaten all human rights and fundamental freedoms;

4. Condemns all such acts, including practices which discriminate against women, and all acts motivated by religious extremism in all its forms;

5. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including through the provision of effective remedies in cases where there is intolerance or discrimination based on religion or belief;

6. Also urges States to ensure in particular that no one within their jurisdiction is, on account of their religion or belief, deprived of the right to life or the right to liberty and security of person, or subjected to torture or arbitrary arrest or detention;

7. Further urges all States, therefore, in conformity with international standards of human rights, to take all necessary measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

9. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

10. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

11. Expresses its grave concern at attacks upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert their utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

12. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

13. Reiterates its invitation to the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

14. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services and technical assistance in the field of human rights;

15. Encourages Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of promotion and protection of the right to freedom of thought, conscience and religion;

16. Welcomes and encourages the efforts of non-governmental organizations to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

17. Decides to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental action in all parts of the world which are inconsistent with the provisions of the Declaration and to recommend remedial measures, as appropriate;

18. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to continue to carry out his work with discretion and independence;

19. Calls upon Governments to cooperate with the Special Rapporteur, inter alia by responding expeditiously to requests for such views and comments;

20. Welcomes the invitations extended by a number of Governments to the Special Rapporteur to visit their countries;

21. Encourages other Governments to give serious consideration to extending similar invitations to enable the Special Rapporteur to fulfil his mandate even more effectively;

22. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fiftieth session and to report to the Commission at its fifty-second session;

2[illegible]. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

42nd meeting
24 February 1995
[Adopted without a vote. See chap. XXII.]

1995/24. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted without a vote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Taking note of General Assembly resolution 49/192 of 23 December 1994 in which the Assembly called upon the Commission on Human Rights to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to such minorities, as set out in the Declaration,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Conscious of the need to promote and protect effectively the rights of persons belonging to minorities, as set out in the Declaration,

Recalling its resolution 1994/22 of 1 March 1994 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Noting resolution 1994/4 of 19 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, in which the Subcommission recommended the establishment of a working group of the Subcommission on minorities,

Noting with appreciation the working paper prepared by the Special Rapporteur of the Subcommission, Mr. Asbjørn Eide (E/CN.4/Sub.2/1994/36 and Corr.1) containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities,

Taking note of the reports of the Secretary-General to the General Assembly (A/49/415 and Add.1-2) and the Commission (E/CN.4/1995/84),

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Taking note of positive initiatives by many countries to protect minorities and promote mutual understanding,

Concerned about the growing frequency and severity of disputes and conflicts concerning national or ethnic, religious and linguistic minorities in many countries, and their often tragic consequences,

Taking note of the work of the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe,

Reaffirming the obligation of States, as stated in the Vienna Declaration and Programme of Action (A/CONF.157/23), to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration,

1. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

2. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

3. Appeals to States which so wish to consider making bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

4. Calls upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues including the prevention and resolution of disputes to assist in existing or potential situations involving minorities;

5. Calls upon the High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments for that purpose;

6. Urges the relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the Declaration;

7. Invites States, interested intergovernmental and non-governmental organizations, special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to submit, as appropriate, contributions as to how they promote and give effect to the Declaration;

8. Calls upon the Subcommission on Prevention of Discrimination and Protection of Minorities to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration;

9. Decides to authorize the Subcommission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, and in particular to:

(a) Review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

10. Requests the Subcommission to make available to the Commission on Human Rights the annual report of the working group;

11. Requests the Secretary-General to provide the working group, within existing resources of the United Nations, with all the necessary services and facilities to fulfil its mandate;

12. Calls upon States, intergovernmental organizations, United Nations bodies, specialized agencies and non-governmental organizations to participate actively in the work of the working group;

13. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-second session a report on the implementation of the present resolution;

14. Decides to continue consideration of this issue at its fifty-second session under the same agenda item;

15. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I]

52nd meeting
3 March 1995
[Adopted without a vote. See chap. XX.]

1995/25. Traffic in women and girls

The Commission on Human Rights,

Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, enshrined in the Charter of the United Nations,

Reaffirming also the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Declaration on the Elimination of Violence against Women,

Recalling that in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed the human rights of women and the girl child as an inalienable, integral and indivisible part of universal human rights,

Convinced of the need to eliminate all forms of sexual violence and sexual trafficking, which are violations of the human rights of women and girl children,

Condemning the illicit and clandestine movement across national and international borders of persons, largely from developing countries and some countries with economies in transition, with the ultimate goal of forcing women and girl children into sexually or economically oppressive and exploitative situations, for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, clandestine employment and fraudulent adoption,

Noting the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that the problem of trafficking also victimizes young boys,

Recalling its resolution 1994/45 of 4 March 1994, in which it called for the elimination of trafficking in women, Aware of the decision of the Commission on Crime Prevention and Criminal Justice, in its resolution 3/2, to consider the international traffic in minors at its fourth session in the context of its discussion on the question of organized transnational crime,

Realizing the urgent need for the adoption of effective measures nationally, regionally and internationally to protect women and girl children from this nefarious traffic,

1. Expresses its grave concern at the worsening problem of trafficking, particularly the increasing syndication of the sex trade and the internationalization of the traffic in women and girl children;

2. Welcomes the Programme of Action of the International Conference on Population and Development (A/CONF.171/13, chap. I, resolution 1, annex), held in Cairo from 5 to 13 September 1994, which, inter alia, called upon all Governments of both receiving countries and countries of origin to adopt effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international traffic in women and children;

3. Encourages Governments, relevant bodies and specialized agencies of the United Nations system, intergovernmental organizations and non-governmental organizations to gather and share information relating to all aspects of trafficking in women and girl children, in order to facilitate the development of anti-trafficking measures;

4. Urges Governments to take appropriate measures to address the problem of trafficking in women and girl children and to ensure that the victims are provided with the necessary assistance, support, legal advice, protection, treatment and rehabilitation, and urges Governments to cooperate in this matter;

5. Calls upon all Governments to take appropriate measures to prevent the misuse and exploitation by traffickers of economic activities, such as the development of tourism and the export of labour;

6. Encourages Member States to consider signing and ratifying or acceding to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Slavery Convention and all other relevant international instruments;

7. Invites the Governments concerned, relevant intergovernmental organizations and non-governmental organizations to adopt appropriate measures to create a better public awareness of the problem;

8. Draws the attention of the Special Rapporteur of the Commission on Human Rights on violence against women and the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities to the problem of trafficking in women and girl children;

9. Invites the World Summit for Social Development, the Fourth World Conference on Women: Action for Equality, Development and Peace and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider including in their respective programmes of action the subject of the traffic in women and girl children;

10. Recommends that the problem of trafficking in women and girl children be given consideration in the context of the implementation of all relevant international legal instruments and, if need be, that consideration be given to measures to strengthen them, without undermining their legal authority and integrity;

11. Requests the Secretary-General to provide the Commission at its fifty-second session with his preliminary report to be submitted to the General Assembly at its fiftieth session, pursuant to Assembly resolution 49/166 relating to traffic in women and girls;

12. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled "Report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session".

52nd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

1995/26. Work of the Subcommission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Reaffirming its resolution 1994/23 of 4 March 1994,

Taking note of the report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its forty-sixth session (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56),

Expressing its appreciation of the positive contribution made by the Subcommission to the promotion and protection of human rights,

Recalling the terms of reference of the Subcommission as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Subcommission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the experts members of the Subcommission, Taking note of the report of the working group on the methods of work of the Subcommission (E/CN.4/Sub.2/1994/3) and of Subcommission decision 1994/117 of 26 August 1994,

Taking note also of the report of the Chairman of the Subcommission at its forty-sixth session (E/CN.4/1995/83),

Noting with appreciation the spirit of cooperation between the Commission and the Subcommission and their continuing dialogue as reflected in the mutual exchange of information by their respective chairpersons, in accordance with paragraphs 17 and 18 of Commission resolution 1990/64 of 7 March 1990,

Convinced that it is essential that the impartiality and the objectivity of the Subcommission and the independent status of its members and their alternates should continue to be its guiding principles,

Convinced also that the credibility and effectiveness of the Subcommission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Subcommission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Stressing the valuable role that the Subcommission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council can make to the work of the Subcommission, in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Subcommission and thereby maintain the effectiveness of both bodies in their respective roles,

Recalling the continuing importance for the Commission to give guidance to the Subcommission, and for the Subcommission to follow that guidance, in the light of the mandate already granted to it, in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Subcommission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Subcommission, as well as in the expert studies carried out under its auspices;

2. Calls upon the Subcommission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. *Reaffirms* that one of the tasks of the Subcommission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

4. *Invites* the Subcommission to continue to give due regard to new developments in the field of human rights;

5. *Reiterates its request* to the Subcommission to implement fully the Guidelines annexed to Subcommission resolution 1992/8 of 26 August 1992, including those concerning the number of studies and the requirement of the submission of a preparatory document before a study is entrusted to a Special Rapporteur and to establish priorities relating to its work;

6. *Recommends* that the Subcommission, when adopting its agenda for its forty-seventh session, allocate, within its scheduled meetings, sufficient time for an adequate discussion of its studies and reports;

7. *Takes note* of the Subcommission's decision, contained in Subcommission decision 1994/117 of 26 August 1994, to consider, at its forty-seventh session, on an experimental basis, its agenda item entitled "Questions of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Subcommission under Commission on Human Rights resolution 8 (XXIII)" as soon as the agenda is approved, and requests the Subcommission, if necessary, to re-evaluate that decision in the light of the experience of the participants in the forty-seventh session;

8. *Encourages* the Subcommission to continue to consider all such reforms of its agenda and methods of work that serve the efficiency of its work, better coordination with other organs and mechanisms in the field of human rights, and better dissemination of the results of its work;

9. *Requests* the Subcommission to ensure that each completed study is accompanied by a short summary, for the purpose of its widest possible dissemination;

10. *Calls upon* States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Subcommission, and to respect fully the independence of elected members and alternates;

11. *Requests* the Secretary-General to continue to give strong support to the Subcommission and in particular, to ensure that Subcommission documents are available in all languages in good time before the session;

12. *Invites* the Chairman of the Commission to inform the Subcommission on the debate under this item;

13. *Decides* to invite the Chairman of the Subcommission at its forty-sixth session to come for consultations with the members of the Bureau of the Commission at an appropriate time during the meeting of the Bureau of the Commission at the conclusion of its fifty-first session, and to invite the

Chairman of the Subcommission at its forty-seventh session to report to the Commission at its fifty-second session on significant aspects of the work of the Subcommission.

52nd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

1995/27. Contemporary forms of slavery

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Recalling its resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1994/25 of 4 March 1994,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33 and Corr.1), submitted to the Subcommission at its forty-sixth session,

Recalling its encouragement of the Subcommission, including its Working Group, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the conventions on slavery on the basis of the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37),

Having considered Subcommission resolution 1994/7 of 19 August 1994 containing recommendations on establishing such a mechanism,

Considering the recommendation of the Subcommission to appoint Ms. H.E. Warzazi Special Rapporteur on the exploitation of child labour and debt bondage,

Recalling Guideline 2 of the Guidelines adopted by the Subcommission at its forty-fourth session, (Subcommission resolution 1992/8, annex) concerning its methods of work, which provides that no new study may be undertaken unless a preparatory document has been submitted, Taking note of the report of the Secretary-General on the status of implementation of the Programme of Action on the Elimination of the Exploitation of Child Labour and Debt Bondage (E/CN.4/Sub.2/1994/34),

Taking note also of the recommendation of the Subcommission that the Commission take into consideration at its present session and eventually adopt the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others,

Considering that thus far 12 Governments and a few United Nations bodies and specialized and related agencies, other intergovernmental organizations and non-governmental organizations have submitted comments on the draft programme of action and that some of the comments received purport to amend or add to the text of the draft programme of action,

Convinced that the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which was established by the General Assembly in its resolution 46/122 of 17 December 1991, will play an important role in the protection of the human rights of victims of contemporary forms of slavery,

Doubting the sufficiency of the recommendation of the Subcommission, aimed at making the Fund more effective, to reprioritize the potential beneficiaries of the Fund by reversing the order of subparagraphs 1 (e) (i) and 1 (e) (ii) of General Assembly resolution 46/122 of 17 December 1991,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its nineteenth session in implementing its programme of work, and for its flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Endorses the Subcommission's recommendations regarding the review of the implementation of the conventions on slavery with the proviso that the proposed three-year term of office of the members of the Working Group should not extend beyond their four-year term of membership of the Subcommission;

4. Requests the Subcommission to give further consideration to its proposed appointment of Ms. H.E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage and to make the appointment subject to the submission of a preparatory document, and also requests the Subcommission, when it assesses the document, to determine the need for a Special Rapporteur and, if it considers the appointment of a Special Rapporteur is called for, to identify a specific set of activities, which should take account of the need to avoid duplication with other activities within the United Nations system, including activities of the International Labour Organisation and of the Special Rapporteur on the sale of children;

5. Invites the Subcommission to continue considering the strengthening of its involvement in the activities of the Working Group;

6. Requests the Secretary-General to invite those eligible States that have not ratified or acceded to the conventions on slavery to consider doing so as soon as possible or to explain in writing, if they so wish, why they feel unable to do so, and to consider providing information regarding their national legislation and practices in this field;

7. Invites intergovernmental organizations, relevant organizations of the United Nations system, as well as the International Criminal Police Organization and non-governmental organizations concerned, to supply relevant information to the Working Group;

8. Appeals to Governments and relevant non-governmental organizations to send representatives to the sessions of the Working Group;

9. Recommends that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

10. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve this objective;

11. Encourages Governments to consider, in the context of the Programme of Action on the Elimination of the Exploitation of Child Labour and Debt Bondage, the adoption of measures and regulations to protect child labourers and to ensure that their labour is not exploited;

12. Invites the newly appointed Special Rapporteur on the sale of children to examine ways and means of cooperating with the Working Group;

13. Requests the Subcommission at its forty-seventh session to review the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others in the light of the comments already received or that will be received and to submit to the Commission at its fifty-second session a final draft for approval;

14. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

15. Recalls once again its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery;

16. Requests the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for

Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery;

17. Expresses its regret that as a result of the present financial situation of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, owing to a lack of contributions, the Board of Trustees of the Fund has only been able to meet once since it was appointed by the Secretary-General in 1993;

18. Appeals again to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;

19. Commends the Board of Trustees on its concern about the limited assets of the Fund, demonstrated by its judicious measures to minimize administrative expenses;

20. Encourages the Subcommission to continue considering the development of systematic fund-raising methods and to recommend a set of measures, including that already proposed, to promote increased contributions to the Fund;

21. Requests the Secretary-General to transmit once again to all Governments the appeal of the Commission on Human Rights for contributions to the Fund.

52nd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

1995/28. International Decade of the World's Indigenous People

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolutions 48/163 of 21 December 1993 and 49/214 of 23 December 1994 on the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health,

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Recalling the invitation addressed by the General Assembly to indigenous organizations and other non-governmental organizations to consider the contributions they can make to the success of the Decade, with a view to presenting them to the Working Group on indigenous populations,

Noting Economic and Social Council decision 1992/255 of 20 July 1992, in which the Council requested United Nations bodies and specialized agencies to ensure that all technical assistance financed or provided by them was compatible with international instruments and standards applicable to indigenous people, and encouraged efforts to promote coordination in this field and greater participation of indigenous people in the planning and implementation of projects affecting them,

Mindful of the relevant recommendations of the World Conference on Human Rights, the United Nations Conference on Environment and Development and the International Conference on Population and Development,

Recognizing the value and diversity of the cultures and forms of social organization of indigenous people, and convinced that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

1. Takes note of the preliminary report of the Secretary-General on a comprehensive programme of action for the International Decade of the World's Indigenous People (A/49/444) and the annexes to that report;

2. Welcomes the decision of the General Assembly to adopt the short-term programme of activities for 1995 contained in annex II to the report of the Secretary-General;

3. Decides that the final programme of activities for 1995 should be that contained in the annex to the present resolution;

4. Invites Governments to give full consideration to the final comprehensive programme of action for the Decade to be considered by the General Assembly at its fiftieth session;

5. Takes note of the request of the General Assembly for the establishment of a unit within the Centre for Human Rights to support its activities related to indigenous people, in particular to plan, coordinate and implement activities for the Decade;

6. Also takes note of the recommendation of the General Assembly that a second technical meeting on the planning of the Decade be convened immediately prior to the thirteenth session of the Working Group on Indigenous

Populations of the Subcommission and of the decision to consider at a later session the convening of meetings for planning and review purposes at appropriate intervals during the Decade.

52nd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

Annex

INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

PROGRAMME OF ACTIVITIES FOR 1995

First quarter

Establishment of the Voluntary Fund for the International Decade of the World's Indigenous People

Preparation and dissemination of presentation video on the Decade

Second quarter

Publication of first information book about the Decade

Eighth session of the Voluntary Fund for Indigenous Populations

Establishment of a fellowship programme for indigenous people

Initiation of an information programme linking the Coordinator to focal points of the United Nations system, national committees for the Decade and, through appropriate channels, indigenous networks

Consultation with the interim advisory group of the Voluntary Fund for the International Decade

Third quarter

Technical meeting on the Decade to finalize recommendations for the programme of action

Thirteenth session of the Working Group on Indigenous Populations

First session of the advisory group of the Voluntary Fund for the International Decade

International Day of Indigenous People, 9 August

Fourth quarter

Expert meeting on land rights and claims of indigenous people

Inter-agency consultation on practical measures to implement the Programme of Activities for the Decade: special consideration of a preliminary project outline to consider how the United Nations system can aggregate data specific to indigenous people by means of enhancing and facilitating the coordination capabilities of Member States for collecting and analysing such data

Workshop on indigenous women

Submission of Secretary-General's final report on the Programme of Activities for the Decade

Publication of poster, brochure, media kit and other information material for the Decade

1995/29. Minimum humanitarian standards

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and breaches of the principles of humanity and undermines the protection of human rights,

Gravely concerned also at the conduct of groups and individuals who resort to violence, thereby contributing to the suffering of innocent people in such situations,

Emphasizing in this regard the need to identify and implement measures to prevent violations and abuses of human rights and fundamental freedoms, in particular the right to life and integrity of the individual,

Taking note of resolution 1994/26 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, in which the Subcommission decided to transmit the text of the Declaration of Minimum Humanitarian Standards (E/CN.4/Sub.2/1991/55) to the Commission on Human Rights with a view to its further elaboration and eventual adoption,

1. Recognizes the need to address principles applicable to situations of internal and related violence, disturbance, tension and public emergency in a manner consistent with international law and the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Invites all States to consider reviewing their national legislation relevant to situations of public emergency with a view to ensuring that it meets the requirements of the rule of law and that it does not involve discrimination on the ground of race, colour, sex, language, religion or social origin;

4. Requests the Secretary-General to transmit the text of the Declaration of Minimum Humanitarian Standards (E/CN.4/Sub.2/1991/55) to Governments and intergovernmental and non-governmental organizations for their comments and to submit a report on this matter to the Commission on Human Rights at its fifty-second session.

52nd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

1995/30. A permanent forum for indigenous people in the United Nations system

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind Articles 55 and 56 of the Charter of the United Nations in the context of all human rights of indigenous people,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered,

Recalling also the recommendations of the United Nations Conference on Environment and Development to involve indigenous people and their communities in the United Nations programmes of environment and development as stated in article 22 of the Rio Declaration on Environment and Development and in chapter 26 of Agenda 21,

Recalling further its resolution 1994/28 of 4 March 1994, as well as General Assembly resolution 49/214 of 23 December 1994,

Noting the recommendations regarding the possible establishment of a permanent forum for indigenous people made by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session in resolution 1994/50 of 26 August 1994, and taking into account the comments and suggestions made by participants at the twelfth session of the Working Group on Indigenous Populations,

Recognizing the importance of increased incorporation of the values, views and knowledge of indigenous people in relevant aspects of the programmes and activities of the States concerned and of the United Nations system,

Recognizing in particular the importance of involving indigenous people and their organizations in the consideration of the establishment of a permanent forum,

Acknowledging the important role of the Working Group on Indigenous Populations in this respect,

1. Endorses the recommendation made by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session, that the Centre for Human Rights organize a workshop on the possible establishment of a permanent forum for indigenous people with the participation of representatives of Governments, organizations of indigenous people and independent experts;

2. Recommends that such a workshop be held for a period of three days within existing resources and in accordance with established United Nations practice, prior to the thirteenth session of the Working Group on Indigenous Populations and that the outcome of the workshop be transmitted to the Working Group at its thirteenth session;

3. Requests the Secretary-General to transmit to the Working Group at its thirteenth session the comments and suggestions received from Governments and organizations of indigenous people on the possible establishment of a permanent forum;

4. Requests the Working Group at its thirteenth session to continue to give priority consideration to the possible establishment of a permanent forum for indigenous people and to submit its views and suggestions, through the Subcommission on the Prevention of Discrimination and Protection of Minorities, to the Commission on Human Rights at its fifty-second session;

5. Decides to continue to consider the question of a permanent forum at its fifty-second session.

52nd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

1995/31. Report of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action and to continue the elaboration of international standards in this field,

Having examined the report of the Working Group on its twelfth session (E/CN.4/Sub.2/1994/30 and Corr.1), *Conscious* that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous people in all parts of the world,

1. *Takes note* of the report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its forty-sixth session (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56);

2. *Expresses its appreciation and satisfaction* to the Working Group on Indigenous Populations of the Subcommission for its valuable work, in particular for the completion of the draft "United Nations declaration on the rights of indigenous peoples";

3. *Also expresses its appreciation* to observers participating in the twelfth session of the Working Group on Indigenous Populations, namely, representatives of Governments, the specialized agencies, non-governmental organizations and indigenous organizations, for their active and constructive participation in its work;

4. *Recommends* to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the forty-seventh session of the Subcommission;

5. *Invites* the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts and working groups as it pertains to the situation of indigenous people;

6. *Urges* the Working Group to continue its comprehensive review of developments and of the situation and aspirations of indigenous people throughout the world;

7. *Invites* the Working Group to consider whether there are ways in which the contribution of expertise from indigenous people to the work of the Working Group might be enhanced;

8. *Requests* the Secretary-General to give all the necessary resources and assistance, from within existing overall United Nations resources, to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies and non-governmental and indigenous organizations, in order to encourage the widest possible participation in its work;

9. Requests the Secretary-General:

(a) To transmit the reports of the Working Group to Governments, indigenous organizations and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

(b) To ensure that all meetings of the Working Group at its thirteenth session are provided with interpretation and documentation;

10. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

11. Appeals to all Governments, organizations and individuals in a position to do so to consider requests for further contributions to the Fund;

12. Encourages all the initiatives that can be taken by Governments, indigenous organizations and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

1995/32. Establishment of a working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and part II, paragraph 28 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling its resolution 1994/29 of 4 March 1994, in which it urged the Subcommission on Prevention of Discrimination and Protection of Minorities to complete its consideration of the draft declaration on the rights of indigenous people and submit to the Commission at its fifty-first session the draft declaration together with any recommendations thereon,

Welcoming Subcommission resolution 1994/45 of 26 August 1994 in which the Subcommission decided to adopt the draft declaration as agreed upon by the members of the Working Group on Indigenous Populations and to submit it to the Commission at its fifty-first session,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission, Emphasizing the importance and special nature of the draft declaration as a standard-setting exercise specifically for indigenous people,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Expressing its appreciation to the Working Group on Indigenous Populations for its contribution to the process of elaboration of the draft declaration,

1. Decides to establish, as a matter of priority and from within existing overall United Nations resources, an open-ended inter-sessional working group of the Commission on Human Rights with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, entitled draft "United Nations declaration on the rights of indigenous peoples" for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People;

2. Encourages the Working Group to consider in this context all aspects of the draft declaration, including its scope of application;

3. Requests that the Working Group meet for 10 working days at the earliest possible date in 1995;

4. Also requests that the Working Group recommend to the Commission the time and duration of its meetings in subsequent years;

5. Further requests the Working Group to submit a progress report to the Commission on Human Rights for consideration at its fifty-second session;

6. Invites relevant United Nations organs, bodies, programmes and specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council which are interested in contributing to the activities of the Working Group to participate in its work, in accordance with established practice;

7. Decides that participation of other relevant organizations of indigenous people, in addition to non-governmental organizations in consultative status with the Economic and Social Council, should be in accordance with the relevant provisions of Economic and Social Council resolution 1296 (XLIV) of 23 May 1968 and the procedures set out in the annex to the present resolution, and invites such organizations to submit applications as soon as possible;

8. Requests the Secretary-General to invite Governments, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council and organizations of indigenous people authorized to participate to submit, for consideration by the Working Group, comments on the draft declaration submitted by the Subcommission;

9. *Recommends* that the Economic and Social Council take the appropriate steps to expedite the implementation of the present resolution;

10. *Decides* to consider the question again at its fifty-second session under an appropriate agenda item to be decided upon;

11. *Recommends* the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II]

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

Annex

PARTICIPATION OF ORGANIZATIONS OF INDIGENOUS PEOPLE IN THE OPEN-ENDED INTER-SESSIONAL WORKING GROUP

1. The procedures contained in the present annex are adopted solely to authorize the participation of organizations of indigenous people not in consultative status with the Economic and Social Council.

2. These procedures are consistent with the procedures set forth in resolution 1296 (XLIV) of 23 May 1968 of the Economic and Social Council and do not constitute a precedent in any other situation. They shall apply only to the Working Group created by Council resolution ... and they shall remain in effect for the duration of the Working Group.

3. Organizations of indigenous people not in consultative status wishing to participate in the Working Group may apply to the Coordinator of the International Decade of the World's Indigenous People. Such applications must include the following information concerning the organization concerned:

(a) The name, headquarters or seat, address and contact person for the organization;

(b) The aims and purposes of the organization (these should be in conformity with the spirit, purposes, and principles of the Charter of the United Nations);

(c) Information on the programmes and activities of the organization and the country or countries in which they are carried out or to which they apply;

(d) A description of the membership of the organization, indicating the total number of members.

4. Upon receipt of applications, the Coordinator of the International Decade should consult with any State concerned pursuant to Article 71 of the Charter of the United Nations and paragraph 9 of resolution 1296 (XLIV) of the

Economic and Social Council. The Coordinator should promptly forward all applications and information received to the Council Committee on Non-Governmental Organizations for its decision.

5. Authorization to participate shall remain valid for the duration of the Working Group subject to the relevant provisions of part VIII of resolution 129 (XLIV) of the Economic and Social Council.

6. The activities of organizations of indigenous people authorized to participate in the Working Group pursuant to these procedures shall be governed by rules 75 and 76 of the rules of procedure of the functional commissions of the Economic and Social Council.

7. Organizations of indigenous people authorized to participate in the Working Group will have the opportunity to address the Working Group, consistent with the relevant provisions of paragraphs 31 and 33 of Council resolution 1296 (XLIV), and are encouraged to organize themselves into constituencies for this purpose.

8. Organizations of indigenous people may make written presentations which, however, will not be issued as official documents.

9. States having indigenous populations should take effective measures to bring the invitation to participate and these procedures to the attention of organizations of indigenous people potentially interested in contributing to and participating in the Working Group.

1995/33. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66), intended to establish a preventive system of visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, by which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission, *Recalling* subsequent resolutions, in particular resolution 1994/40 of 4 March 1994, in which it authorized the working group to hold new meetings in order to continue its work and to submit a report,

Considering that the working group agreed in general that some progress had been made at the third session and that a continuation of the work in the same way offered the prospect of the elaboration, within a reasonable period, of a text which could be of great value in the field of the prevention of torture,

Recalling the firm declaration of the World Conference on Human Rights that efforts to eradicate torture should, first and foremost, be concentrated on prevention and which called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. *Takes note* of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1995/38 and Add.1) and welcomes the substantial progress made by the working group during its third session;

2. *Requests* the open-ended working group to meet between sessions, for a period of two weeks prior to the fifty-second session of the Commission in order to pursue its work and to submit a new report to the Commission;

3. *Requests* the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and to intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. *Also requests* the Secretary-General to invite Governments, the specialized agencies and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. *Further requests* the Secretary-General to extend all the necessary facilities to the working group for its meetings prior to the fifty-second session of the Commission;

6. *Decides* to examine the report of the working group at its fifty-second session under the sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. *Recommends* the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III]

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/34. *Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms*

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant instruments in the field of human rights and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Considering that the question of restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms has received insufficient attention and should be addressed in a more systematic and thorough way at the national and international levels,

Noting with interest the positive experience of countries that have established reparation policies for victims of grave violations of human rights,

Reiterating its appreciation of the study on the subject prepared by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, contained in his final report (E/CN.4/Sub.2/1993/8),

Recalling its resolution 1994/35 of 4 March 1994 in which it expressed the hope that priority attention would be given to this question, in particular on the specific field of violations of human rights, and regarded the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for that purpose, and recommended that the Subcommission on Prevention of Discrimination and Protection of Minorities, in conformity with Subcommission resolution 1993/29 of 25 August 1993, take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and report to the Commission,

1. *Calls upon* the international community to give increased attention to the right to restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms;

2. Encourages the Subcommission to continue to give consideration to the proposed basic principles and guidelines at its forty-seventh session, with a view to making substantive progress on this matter in the specific field of violations of human rights;

3. Requests States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms;

4. Requests the Secretary-General to submit a report on this subject, taking into account the information provided by States, to the Commission at its fifty-second session;

5. Decides to consider this matter at its fifty-second session under agenda item 10.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/35. Special process dealing with the problem of missing persons in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, as well as other relevant documents and resolutions of the General Assembly and the Security Council of the United Nations,

Recalling General Assembly resolution 47/133 of 18 December 1992, in which the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Recalling also its resolution 1994/72 of 9 March 1994 concerning, inter alia, the special process dealing with the problem of missing persons in the territory of the former Yugoslavia,

Deeply disturbed at the huge number of missing persons still unaccounted for as a consequence of the continuing practice of "ethnic cleansing" and the armed conflict in the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina and the Republic of Croatia,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

Expressing its deepest sympathy to the families of missing persons in the territory of the former Yugoslavia, and reaffirming its readiness to undertake all necessary measures with a view to expediting the search for their next of kin, *Stressing* that the basic objective of the special process dealing with the problem of missing persons in the territory of the former Yugoslavia should be strictly humanitarian, aimed at providing their relatives with information on their fate,

Emphasizing that the cooperation of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as the parties and organizations in a position to help, is essential to the achievement of the objectives of the special process,

Bearing in mind that the Comprehensive Cease-fire Agreement signed on 23 December 1994 by the Government of the Republic of Bosnia and Herzegovina and the representatives of the Bosnian Serbs includes the obligation to release all available information on missing persons,

1. *Commends and thanks* the expert member of the Working Group on Enforced or Involuntary Disappearances for his first report on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37);

2. *Expresses its appreciation* to the Governments of the Republic of Bosnia and Herzegovina and the Republic of Croatia, requests them to continue and expand the cooperation with the special process, and invites them, as well as all other parties in a position to help, to continue searching for the missing persons on their territory;

3. *Urges* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the expert member of the Working Group on Enforced and Involuntary Disappearances to visit Belgrade in order to discuss concrete aspects of cooperation, and to undertake maximum efforts to cooperate by disclosing all relevant available information and documentation in order finally to determine the fate of the thousands of missing persons and to alleviate the suffering of their relatives;

4. *Requests* the expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia to continue his efforts and to submit a report on his activities to the Commission at its fifty-second session;

5. *Requests* relevant United Nations bodies, including the Office of the United Nations High Commissioner for Refugees and the United Nations Protection Force, the International Committee of the Red Cross and national Red Cross and Red Crescent societies to continue their cooperation with the special process;

6. Requests the Secretary-General to continue providing the special process with the necessary resources so that it can perform its functions continuously and expeditiously.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/36. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular paragraph 27 of part I and paragraphs 88, 90 and 95 of part II,

Recalling its resolution 1994/41 of 4 March 1994 in which it requested the Chairman of the Commission to appoint for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Recalling also General Assembly resolution 40/32 of 29 November 1985 in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, and resolution 40/146 of 13 December 1985,

Recalling further General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Bearing in mind the principles contained in the draft declaration prepared by Mr. L.M. Singhvi (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), which the Commission, in its resolution 1989/32 of 6 March 1989, invited Governments to take into account in implementing the Basic Principles on the Independence of the Judiciary,

Recalling the appointment by the Chairman of the Commission on Human Rights of Mr. Param Cumaraswamy as Special Rapporteur, *Taking note* of the first report submitted by the Special Rapporteur on the implementation of his mandate and the recommendation addressed to the Commission on Human Rights contained therein (E/CN.4/1995/39, para. 105),

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. *Welcomes* the first report submitted by the Special Rapporteur on the activities relating to his mandate entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" (E/CN.4/1995/39);

2. *Endorses* the decision of the Special Rapporteur to use, beginning in 1995, the short title of "Special Rapporteur on the independence of judges and lawyers", and requests the Centre for Human Rights to take note of this in its future communications;

3. *Takes note of and welcomes* the methods of work the Special Rapporteur intends to follow in the implementation of his task, as outlined in chapter II of his report;

4. *Notes with appreciation* the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Centre for Human Rights;

5. *Endorses* the wish of the Special Rapporteur to be kept regularly informed about the programme of advisory services and technical assistance of the Centre for Human Rights so that he will be in a position to implement his mandate by monitoring progress achieved;

6. *Requests* the Secretary-General, within the limits of the resources of the United Nations, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

7. *Requests* the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-second session;

8. *Decides* to consider this question at its fifty-second session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/37. Torture and other cruel, inhuman or degrading treatment or punishment

A

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling also General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Recalling further the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular part I, paragraph 30, in which the World Conference stated that torture and other cruel, inhuman or degrading treatment or punishment constituted serious obstacles to the full enjoyment of all human rights, and part II, paragraphs 54 to 61, in which the World Conference urged States to put an immediate end to the practice of torture and to eradicate that evil forever, and stated that providing the necessary resources for assistance to victims of torture should be given high priority, inter alia by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Bearing in mind its resolutions 1994/36 and 1994/38 of 4 March 1994,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, of 17 December 1979, annex), the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) as well as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Recalling article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides that each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment,

Taking note of the outcome of the second session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

Recalling General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, as well as General Assembly resolution 49/176 of 23 December 1994,

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the increasing number of projects and the repeated requests by the Board of Trustees of the Fund to have adequate staff for the operations of the Fund,

Taking note of the information provided by the Secretary-General in his reports on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1995/33 and Add.1, A/49/484 and Add.1),

Noting with satisfaction the existence and rapid expansion of an international network of centres for the rehabilitation of torture victims, which play an important role in providing assistance to victims of torture, and the collaboration of the Fund with these centres,

Welcoming the appeal launched by the United Nations High Commissioner for Human Rights during his official visit to Denmark from 27 to 28 June 1994, for, inter alia, a definitive end to and the eradication of torture everywhere in the world and the ratification and full implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. *Welcomes* the report of the Committee against Torture on its eleventh and twelfth sessions (A/49/44);

2. *Expresses its appreciation* to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished;

3. *Urges* all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and, in particular, of the section relating to freedom from torture;

4. *Takes note* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1995/35);

5. *Encourages* the States Parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

6. *Urges* States Parties whose arrears precede the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

7. *Urges* all States to become parties to the Convention as a matter of priority;

8. *Invites* all States ratifying or acceding to the Convention and those States Parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

9. *Welcomes* the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States Parties, including its practice of formulating concluding observations after the consideration of such reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture in States Parties;

10. *Emphasizes* the obligation of States Parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide advisory services in this regard, at the request of Governments;

11. *Expresses its gratitude and appreciation* to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

12. *Requests* the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

13. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund, and if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

14. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

15. Also renews its request to the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions;

16. Calls upon the Board of Trustees to report to the Commission at its fifty-second session on the increasing need for overall rehabilitation services for torture victims;

17. Requests the Secretary-General, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23, part II, para. 16) to ensure strict and transparent project management rules for the Fund and to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the projects supported by the Fund;

18. Also requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical equipment to ensure the efficient operation and management of the Fund, as well as for the effective performance of the functions of the Committee against Torture;

19. Further requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis and to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

20. Decides to consider these questions at its fifty-second session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

B

The Commission on Human Rights,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur on torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for a further three years in paragraph 13 of resolution 1992/32 of 28 February 1992, while maintaining the annual reporting cycle, Recalling also the conclusions and recommendations of the Special Rapporteur that the Commission on Human Rights underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991, 1992/32 of 28 February 1992, 1993/40 of 5 March 1993 and 1994/37 of 4 March 1994,

Taking into account General Assembly resolution 49/181 of 23 December 1994,

1. Commends the Special Rapporteur on his report (E/CN.4/1995/34 and Add.1 and Add.1/Corr.1);

2. Stresses the recommendations of the Special Rapporteur contained in his report;

3. Stresses in particular that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and that those who encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, especially the official in charge of the place of detention where the prohibited act is found to have taken place;

4. Decides to extend for three years the mandate of the Special Rapporteur on torture, while maintaining the annual cycle of reporting;

5. Invites the Special Rapporteur to examine questions concerning torture directed primarily against women and children and conditions conducive to such torture, and to make appropriate recommendations concerning the prevention of gender-specific forms of torture and the torture of children;

6. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals;

7. Considers it desirable that the Special Rapporteur should continue to have a further exchange of views with the relevant human rights mechanisms and bodies, especially the Committee against Torture, in particular with a view to enhancing further their effectiveness and mutual cooperation, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

8. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

9. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

10. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

11. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all his activities in order to enable him to submit his report to the Commission at its fifty-second session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/38. Question of enforced disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1991/41 of 5 March 1991, 1992/30 of 28 February 1992, 1993/35 of 5 March 1993 and 1994/39 of 5 March 1994,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Emphasizing that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights welcomed the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance and called upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearance,

Noting that the Working Group on Enforced or Involuntary Disappearances considers the adoption of the latter Declaration to be the most encouraging development since its establishment in respect of efforts to combat enforced disappearances, especially in so far as it recognizes that the systematic practice of such acts "is of the nature of a crime against humanity",

Expressing concern in this connection that, according to the Working Group, the practice of a number of States can run counter to the Declaration,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and eliminating enforced disappearances, duly taking into account the provisions of the Declaration,

Taking into account General Assembly resolution 49/181 of 23 December 1994,

Noting General Assembly resolution 49/193 of 23 December 1994,

Deeply concerned at the increase and spread of the practice of enforced disappearances in various parts of the world,

Concerned at the large number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Noting with satisfaction in this connection that the Working Group reports increased cooperation on the part of most States,

Recalling its resolution 1994/70 of 9 March 1994 on cooperation with representatives of United Nations human rights bodies,

Having considered the report of the Working Group (E/CN.4/1995/36) and the report of the expert, member of the Working Group and responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it is performing its task, and thanks it for submitting a report to the Commission in accordance with resolution 1994/39 of 4 March 1994;

2. Takes note of the report of the Working Group (E/CN.4/1995/36);

3. Encourages the Working Group, in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may wish to make regarding the fulfilment of its task;

4. Notes that the primary role of the Working Group, as described in its reports, is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

5. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

6. Deplores the fact that, as the Working Group stresses in paragraph 440 of its report, some Governments have never provided substantive

replies concerning enforced disappearances alleged to have occurred in their countries, nor acted on the recommendations concerning them made in the reports of the Working Group;

7. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to take action as rapidly as possible concerning these communications, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to reply expeditiously to its requests for information;

8. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

9. Once again urges Governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

10. Encourages Governments to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

11. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

12. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances whenever there is reason to believe that an enforced disappearance has occurred in a territory under their jurisdiction;

13. Recalls that, if allegations are confirmed, the perpetrators should be prosecuted;

14. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

15. Commends in particular the efforts of Governments which investigate and/or develop appropriate mechanisms to investigate any cases of enforced disappearance which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

16. Invites States, taking into account the conclusions of the Working Group, to consider taking effective measures, including if appropriate legislative measures, to implement the principles of the Declaration on the Protection of All Persons from Enforced Disappearance;

17. Invites, in this connection, all Governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearance, in keeping with the Declaration, and to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance;

18. Recalls that all acts of enforced disappearance are offences punishable by appropriate penalties which take into account their extreme seriousness under criminal law;

19. Encourages States to provide concrete information, as some have already done, on measures taken to give effect to the Declaration, as well as obstacles encountered;

20. Again invites the Working Group to identify obstacles to the realization of the Declaration, to recommend ways of overcoming those obstacles and to pursue in this respect its dialogue with Governments and institutions concerned;

21. Notes that the Working Group, in conformity with paragraph 17 of resolution 1994/39, has undertaken to revise its working methods, in particular the presentation of its report, taking into account the provisions of the Declaration;

22. Invites the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteurs appointed by the Subcommission on Prevention of Discrimination and Protection of Minorities and with due regard for the relevant provisions of the Declaration;

23. Requests the Working Group to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify these children;

24. Notes the activities of non-governmental organizations to support the implementation of the Declaration and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;

25. Takes note of the cooperation provided to the Working Group by non-governmental organizations;

26. Takes note with interest of the report of the expert, member of the Working Group and responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37);

27. Decides to extend for a three-year period the mandate of the Working Group, composed of five independent experts, in order to enable it to take into consideration all such information concerning enforced, involuntary or arbitrary disappearances, as may be communicated to it on cases brought to its attention, while maintaining the principle of the submission of annual reports;

28. Requests the Working Group to report on its work to the Commission at its fifty-second session and to continue to discharge its mandate discreetly and conscientiously;

29. Requests once more the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up or holding sessions in countries that would be prepared to receive it;

30. Also requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes for the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/39. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1994/42 of 4 March 1994, in which it requested the Secretary-General to submit to the Commission at its fifty-first session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Aware of the need to strengthen the relevant international legal instruments and welcoming the adoption and opening for signature by the General Assembly, in its resolution 49/59 of 9 December 1994, of the Convention on the Safety of United Nations and Associated Personnel,

Considering that, at a time when the United Nations is undertaking greater responsibilities sending missions in difficult conditions to various parts of the world, it is imperative that its staff members and other personnel acting under its authority be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provision of the Charter of the United Nations and other international instruments, *Having examined* the updated report of the Secretary-General on detention of international civil servants and their families (E/CN.4/1995/40),

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, and other personnel acting under the authority of the United Nations and their families have been killed since July 1993,

Noting the need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country, can contribute to a faster solution of cases,

Deeply concerned at the inordinate delays and obstacles which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

1. *Takes note with interest* of the updated report of the Secretary-General (E/CN.4/1995/40);

2. *Requests* the Secretary-General to take further steps aimed at ensuring the application without delay of all the recommendations contained in the final report of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19);

3. *Appeals once again* to Member States to respect and to ensure respect for the rights of staff members and other personnel acting under the authority of the United Nations and their families and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

4. *Requests* the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress and compensation for the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;

5. Reiterates the obligations of Member States under the Convention on the Privileges and Immunities of the United Nations and also under the Convention on the Privileges and Immunities of the Specialized Agencies regarding immunity from legal process and from personal arrest or detention;

6. Urges Member States:

(a) To provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts or their families;

(b) To grant the representative of the competent international organization immediate access to them;

(c) To allow independent medical teams to investigate the health of detained staff members, experts or their families, and to afford them the necessary medical assistance;

(d) To allow representatives of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

(e) To ensure the speedy release of United Nations staff members, experts and members of their families who have been arrested or detained in violation of their immunity;

7. Welcomes the adoption and opening for signature by the General Assembly, in its resolution 49/59 of 9 December 1994, of the Convention on the Safety of United Nations and Associated Personnel;

8. Urges Member States to consider promptly signing and becoming parties to the Convention;

9. Requests the Secretary-General to submit to the Commission at its fifty-second session a report on the status of the Convention on the Safety of United Nations and Associated Personnel, on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases which have been successfully settled since the presentation of the last report, and on the implementation of the measures referred to in the present resolution.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/40. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression, Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Recalling its resolution 1993/45 of 5 March 1993, in which it decided to appoint a special rapporteur on the promotion and protection of the right to freedom of opinion and expression,

Recalling also its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989 1989/56 of 7 March 1989, 1990/32 of 2 March 1990, 1991/32 of 5 March 1991, 1992/22 of 28 February 1992 and 1994/33 of 4 March 1994,

Taking note of resolution 1983/32 of 6 September 1983 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Taking note also of the reports and the final conclusions and recommendations on the right to freedom of opinion and expression submitted to the Subcommission at its forty-second, forty-third and forty-fourth sessions by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk (E/CN.4/Sub.2/1990/11, E/CN.4/Sub.2/1991/9 and E/CN.4/Sub.2/1992/9 and Add.1),

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Noting the comment in the final report of the Special Rapporteurs that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, translators, publishers, printers and distributors,

Deeply concerned also that for many women in many parts of the world there exists a gap between the right to freedom of opinion and expression and the effective implementation of that right and that this contributes to the under-reporting of incidents of discrimination based on sex and inadequate action by Governments to investigate and take appropriate remedial action in response to these incidents,

1. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1995/32), and endorses his conclusion that freedom of expression is a fundamental right, the enjoyment of which illustrates in many ways the degree of enjoyment of all human rights enshrined in the International Bill of Human Rights;

2. Also welcomes the Special Rapporteur's statement that the right to seek or have access to information is one of the most essential elements of freedom of speech and expression;

3. Notes that the Special Rapporteur recognized in his first report (E/CN.4/1994/33) the need to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue his efforts in this regard;

4. Expresses concern at the inadequate resources, both human and material, provided to the Special Rapporteur, and accordingly reiterates its request to the Secretary-General to provide, within existing overall United Nations resources, all the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by strengthening the human and material resources placed at his disposal;

5. Requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur, as well as recommendations made by him;

6. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

7. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who seek to promote and defend these rights and freedoms;

8. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its deep concern at the numerous reports received by the Special Rapporteur of detention of, as well as discrimination, threats and acts of violence and harassment, including

persecution and intimidation, directed at such professionals, including journalists, editors, writers and authors, translators, publishers, printers and distributors;

9. Expresses its concern at the number of cases of arbitrary detention ordered following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights concerning the right to freedom of opinion and expression;

10. Welcomes the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

11. Urges the Special Rapporteur, within the framework of his mandate, to draw to the attention of the High Commissioner for Human Rights those situations regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur;

12. Invites the Special Rapporteur to pay particular attention to the situation of women and the relationship between the effective implementation of the right to freedom of opinion and expression and incidents of discrimination based on sex committed against them;

13. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

14. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services;

15. Invites once again the working groups, representatives and the special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

16. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

17. Requests the Special Rapporteur, in his next report, to develop further his commentary on the right to seek and receive information and to expand on his observations arising from communications;

18. Also requests the Special Rapporteur to submit to the Commission at its fifty-second session a report covering the activities relating to his mandate;

19. Decides to review this matter at its fifty-second session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/41. Human rights in the administration of justice, in particular of children and juveniles in detention

The Commission of Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols,

Guided in particular by the Convention on the Rights of the Child and its article 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing the central role of the administration of justice in the promotion and protection of human rights,

Welcoming the work of the Subcommission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice,

Welcoming also the work of the Commission on Crime Prevention and Criminal Justice in the field of human rights and the administration of justice as reflected, inter alia, in resolution 1994/22 of 25 July 1994 of the Economic and Social Council on technical cooperation in the field of crime prevention and criminal justice and Council resolution 1994/18 of 25 July 1994 on United Nations standards and norms in crime prevention and criminal justice,

Emphasizing the importance of coordinating the activities in this field carried out under the responsibility of the Commission on Human Rights with those under the responsibility of the Commission on Crime Prevention and Criminal Justice,

Noting that many human rights violations in the administration of justice are specifically or primarily directed against women and that the identification and reporting of these violations demand special vigilance, Aware of the specific situation of children and juveniles in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Recalling in this context the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and General Assembly resolution 45/115 of 14 December 1990 on the instrumental use of children in criminal activities,

Welcoming the important activities of the Committee on the Rights of the Child, the Commission on Crime Prevention and Criminal Justice, the United Nations Children's Fund, the Subcommission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur on the sale of children, child prostitution and child pornography with regard to the special needs of children and juveniles in detention,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Reaffirming that the best interests of the child and the juvenile must be a primary consideration in all decisions concerning the deprivation of their liberty,

1. Reaffirms the importance of the full implementation of all relevant United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of these standards;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Welcomes the special attention given to questions relating to the effective protection of human rights in the administration of justice by special rapporteurs and working groups and calls upon them to continue to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures under the United Nations programme of advisory services and technical assistance in the field of human rights;

5. Stresses the desirability of States being provided, at their request, with continued assistance in the field of the administration of justice;

6. Urges the High Commissioner for Human Rights to consider favourably requests by States for assistance in the field of the administration of justice and to strengthen system-wide coordination in this field, in particular between the United Nations programme of advisory services and

technical assistance in the field of human rights and the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;

7. Takes note with appreciation of the recommendations of the expert group meeting on children and juveniles in detention, held in Vienna from 30 October to 4 November 1994 (see E/CN.4/1995/100);

8. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs;

9. Calls upon all States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice;

10. Urges States that the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty be fully taken into account in their national legislation and practice and that they be widely disseminated;

11. Also urges States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should only be used as a measure of last resort;

12. Invites Governments to provide training in human rights and juvenile justice to all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters, including police and immigration officers;

13. Recommends that States make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance, in order to strengthen national capacities and infrastructures in the field of juvenile justice;

14. Requests the High Commissioner for Human Rights to pay special attention to the subject of juvenile justice and, in close cooperation with the Crime Prevention and Criminal Justice Branch, the Committee on the Rights of the Child and the United Nations Children's Fund, to develop strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice;

15. Requests the Secretary-General to report to the Commission at its fifty-second session on the implementation of the present resolution;

16. Decides to consider this question at its fifty-second session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/42. Question of human rights and states of emergency

The Commission on Human Rights,

Endorsing Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1994/36, of 26 August 1994,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV]

53rd meeting
3 March 1995
[Adopted without a vote. See chap. X.]

1995/43. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind that the most fundamental human right is the right to life,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling and reaffirming General Assembly resolutions 48/122 of 20 December 1993, 49/60 of 9 December 1994 and 49/185 of 23 December 1994 and its own resolution 1994/46 of 4 March 1994,

Recalling also resolution 1994/18 of 25 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Reiterating that all Member States have an obligation to promote and protect human rights and fundamental freedoms and that the individual also has the responsibility to strive for the promotion and observance of human rights,

Deeply concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances, Noting with great concern the growing connection between terrorist groups and the illegal traffic of arms and drugs, as well as the consequent commission of serious crimes,

1. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Expresses its solidarity with the victims of terrorism, and in this context encourages States to respond to the request of the Secretary-General made pursuant to paragraph 4 of General Assembly resolution 49/185, for their views on the possible establishment of a United Nations voluntary fund for victims of terrorism;

3. Calls upon States to take all necessary and effective measures, in accordance with international standards of human rights, to prevent, combat and eliminate terrorism and urges the international community to enhance multilateral and bilateral cooperation in the fight against terrorism at the national, regional and international levels;

4. Requests the Secretary-General to continue to collect information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned and to the Commission on Human Rights for their consideration;

5. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

6. Welcomes the decision of the Subcommission on Prevention of Discrimination and Protection of Minorities to entrust one of its members with the task of preparing a working paper on the question of terrorism and human rights, and in this context invites States that so wish to forward relevant information to him;

7. Decides to continue its consideration of the question at its fifty-second session as a matter of priority.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/44. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recognizing that the increasing challenges presented by HIV/AIDS require renewed efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Mindful that respect for the principle of non-discrimination is the key to the protection and realization of human rights and fundamental freedoms as recognized in international instruments,

Recalling General Assembly resolutions 45/187 of 21 December 1990 and 46/203 of 20 December 1991, Economic and Social Council resolution 1990/86 of 27 July 1990, World Health Assembly resolutions WHA41.24 of 13 May 1988, WHA43.10 of 16 May 1990, WHA45.35 of 14 May 1992 and WHA46.37 of 14 May 1993, general recommendation 15 of the Committee on the Elimination of Discrimination against Women and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcomes the Final Declaration of the Paris AIDS Summit, of 1 December 1994, in which the participants pledged to promote and protect the rights of people infected and affected by HIV/AIDS,

Also welcomes the progress made in the establishment of a joint and co-sponsored United Nations programme on HIV/AIDS,

Recalling its resolutions 1992/56 of 3 March 1992, 1993/53 of 9 March 1993 and 1994/49 of 4 March 1994 concerning discrimination against people with HIV infection or AIDS,

Acknowledging the significant role of the World Health Organization, and other bodies of the United Nations system, and the major contribution made by national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, and the International Federation of Red Cross and Red Crescent Societies, in fighting discrimination against and advocating the rights of people living with HIV/AIDS,

Noting with appreciation the Rights and Humanity Declaration and Charter on HIV and AIDS transmitted to the Commission at its forty-eighth session by the Permanent Mission of the Gambia to the United Nations (E/CN.4/1992/82),

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection,

Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially vulnerable to the risk of HIV infection and to the economic and social impact of AIDS as a result of their disadvantageous legal, social and economic status, and concerned at the increasing rate of HIV infection among women and girls,

Expressing its grave concern that the continuing exploitation of children, including child prostitution, poses the risk of transmission of HIV,

Concerned at evidence indicating that groups in society suffering discrimination in the enjoyment of their fundamental rights, and disadvantage with respect to their access to education, health care and social services, are as a result more vulnerable to the risk of infection and to the personal and social impact of the pandemic,

Alarmed at discriminatory laws and policies and the emergence of new forms of discriminatory practices which deny people living with HIV/AIDS, their families and associates, as well as high-risk groups, enjoyment of their fundamental rights and freedoms,

Concerned that the fear and ignorance surrounding HIV/AIDS are leading to increased stigmatization of and prejudice against people living with HIV/AIDS or presumed to be at risk of infection, sometimes resulting in intimidation, harassment or violence against such individuals, as well as to arbitrary detention and deportation,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35, there is no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory screening,

Stressing that discrimination and stigmatization are counter-productive to measures to prevent and control HIV/AIDS, and that anti-discrimination measures form a component part of an effective public health strategy,

Emphasizing the responsibility of Governments to take measures to counter social stigmatization of and discrimination against those affected by HIV/AIDS, and their commitment to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

Recognizing that HIV transmission can be prevented through informed and responsible behaviour, and emphasizing the role and responsibility of individuals, groups and organs of society aimed at promoting, in a spirit of human solidarity and tolerance, a social environment supportive of the effective prevention and eradication of the root causes of the HIV/AIDS pandemic,

Welcoming the report by the Secretary-General on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS (E/CN.4/1995/45) and his recommendations therein, but noting with concern that there is insufficient information about successful strategies for protecting human rights in the context of HIV/AIDS,

1. Confirms that discrimination on the basis of AIDS or HIV status, actual or presumed, is prohibited by existing international human rights

standards, and that the term "or other status" in non-discrimination provisions in international human rights texts can be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to ensure, where necessary, that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards, including the right to privacy and integrity of people living with HIV/AIDS, prohibit HIV/AIDS-related discrimination and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV/AIDS;

3. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures and the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people living with HIV/AIDS, their families and associates, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups, and to address such concerns within their activities in the context of the United Nations Year for Tolerance, 1995;

4. Further calls upon all States to strengthen their efforts to advance the legal, economic and social status of women, children and vulnerable groups in order to render them less vulnerable to the risk of HIV infection and to the adverse socio-economic consequences of the AIDS pandemic;

5. Recognizes the need to protect women and girls from sexual abuse and violence and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Commission on the Status of Women and the Working Group on Contemporary Forms of Slavery to pay sustained attention to the risk which the continuing exploitation of children, including child prostitution, poses for the transmission of HIV;

6. Invites States to involve non-governmental and community-based organizations and people living with HIV/AIDS in the formulation and implementation of public policies, including the support of participatory programmes for prevention, care and social support among vulnerable and marginalized populations;

7. Calls upon States to take all necessary steps, in particular appropriate education and information measures, to facilitate informed and responsible behaviour;

8. Invites the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people living with HIV/AIDS, their families and associates, or people presumed to be at risk of infection;

9. Calls upon the Subcommission on Prevention of Discrimination and Protection of Minorities to keep the issue of AIDS-related discrimination under continuous review under all relevant agenda items, as well as within the work of its relevant working groups and special rapporteurs;

10. Calls upon relevant professional bodies to re-examine their codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

11. Requests the co-sponsors of the joint and co-sponsored United Nations programme on HIV/AIDS to integrate a strong human rights component throughout the strategies and work of the future programme;

12. Requests the High Commissioner for Human Rights to consider appropriate methods by which to keep under continuous review the protection of human rights in the context of the HIV/AIDS pandemic and to undertake with the Centre for Human Rights, in cooperation with the joint and co-sponsored United Nations programme on HIV/AIDS, non-governmental agencies and other actors in the field, the task of elaborating guidelines on promoting and protecting respect for human rights in the context of HIV/AIDS, and to reflect in this regard on the possibility of organizing a second international expert consultation on human rights and AIDS;

13. Requests the Secretary-General to consult with Governments, relevant United Nations bodies, specialized agencies and non-governmental organizations with a view to keeping under review the protection of human rights in the context of the HIV/AIDS pandemic and to prepare for the consideration of the Commission at its fifty-second session a progress report on the development of a human rights component in the joint and co-sponsored United Nations programme on HIV/AIDS and on the status of the guidelines mentioned in paragraph 12.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/45. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the principles set forth in the Charter of the United Nations,

Recalling also General Assembly resolution 2625 (XXV) of 24 October 1970 containing the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming General Assembly resolution 3281 (XXIX) of 12 December 1974 containing the Charter of Economic Rights and Duties of States, in particular its article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Reaffirming also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights on 25 June 1993, in particular, part I, paragraph 31 relating to the kind of measures referred to in the present resolution,

Stressing its resolution 1994/47 of 4 March 1994,

Gravely concerned that the use of unilateral coercive measures adversely affects the socio-humanitarian activities of developing countries and that, in some cases, intensification of such measures has taken place recently, hindering the acquisition of essential goods, and has a negative effect on the full enjoyment of all human rights,

Taking note of the report submitted by the Secretary-General pursuant to its resolution 1994/47 (E/CN.4/1995/43),

1. Calls upon the international community to reject the use by some countries of unilateral coercive measures which are in clear contradiction with international law against developing countries with the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of the countries subject to those measures;

2. Reaffirms that the implementation of such measures or their intensification as a means to exercise political, economic or social pressure against developing countries prevents the full realization of all human rights by the people subject to those measures, particularly children, women and elderly people;

3. Requests all States to refrain from adopting any unilateral coercive measures which are in clear contradiction with international law and the Charter of the United Nations and creates obstacles to trade relations among States and impedes the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services;

4. Rejects the fact that some countries using their predominant position in the world economy continue to intensify the adoption of unilateral coercive measures against developing countries which are in clear contradiction with international law, such as trade restrictions, blockades, embargoes, freezing of assets, with the purpose of preventing those countries from exercising their right fully to determine their political, economic and social system;

5. Reaffirms the right of peoples to self-determination and to dispose of their natural wealth and resources without foreign pressure, and that in no case may a people be deprived of its basic means of subsistence;

6. *Also reaffirms* that essential goods, in particular food and medicines, should not be used as a tool for political pressure;

7. *Stresses* that the Working Group on the Right to Development identified the adoption of unilateral coercive measures as one of the obstacles to the implementation of the Declaration on the Right to Development;

8. *Considers* that the adoption or intensification of unilateral coercive measures constitutes a violation of the human rights of peoples;

9. *Requests* the Secretary-General to submit, in consultation with Governments and specialized agencies, as well as with intergovernmental and non-governmental organizations, a report to the Commission on Human Rights at its fifty-second session on the coercive measures unilaterally implemented against developing countries hindering the full realization of all rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of peoples to a minimum standard of living and development;

10. *Decides* to consider this issue, as a matter of high priority, at its fifty-second session.

53rd meeting
3 March 1995
[Adopted by a roll-call vote of 24 votes to 17, with 12 abstentions. See chap. XI.]

1995/46. *Regional arrangements for the promotion and protection of human rights*

The Commission on Human Rights,

Recalling General Assembly resolution 32/127 of 16 December 1977 and all subsequent resolutions of the Assembly concerning regional arrangements for the promotion and protection of human rights, including resolution 49/189 of 23 December 1994,

Recalling its resolution 1993/51 of 9 March 1993, in which it requested the Secretary-General to submit to the Commission at its fifty-first session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the result of action taken in pursuance of the resolution,

Recalling its resolutions concerning advisory services in the field of human rights, including its most recent resolution on that subject, 1994/69 of 9 March 1994,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection, Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling that the World Conference on Human Rights reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also that it recommended that more resources should be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programmes of advisory services and technical assistance of the Centre for Human Rights,

Noting the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/1995/51),

1. Takes note of the report of the Secretary-General;

2. Welcomes the efforts of the High Commissioner for Human Rights to strengthen cooperation with all regional organizations and to initiate a dialogue with States and non-governmental organizations in order to develop or establish regional arrangements in the field of human rights;

3. Also welcomes the participation of the High Commissioner in the tripartite meeting of the Council of Europe, the Conference on Security and Cooperation in Europe and Geneva-based United Nations programmes, held on 1 September 1994;

4. Further welcomes the continuing cooperation and assistance of the Centre for Human Rights of the United Nations Secretariat in further strengthening the existing regional arrangements and regional machinery for the promotion and protection of human rights;

5. Welcomes in that respect the close cooperation given by the Centre for Human Rights in the organization of regional and subregional training courses and workshops in the field of human rights, aimed at creating greater understanding for the promotion and protection of human rights issues in the regions and at improving procedures;

6. Endorses the efforts of the Centre for Human Rights to enhance cooperation between the United Nations and regional and national institutions, particularly with regard to advisory services and technical assistance, public information and education in the field of human rights;

7. Stresses the importance of the programme of advisory services and technical assistance in the field of human rights of the Centre, and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information

and/or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies;

8. Requests the Secretary-General, as foreseen in the medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

9. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding arrangements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

10. Invites the treaty bodies of the major international human rights instruments to explore ways to increase the exchange of information and cooperation with regional human rights mechanisms;

11. Requests the Secretary-General to submit to the Commission, at its fifty-third session, a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on the ways and means to strengthen the cooperation between the United Nations and regional arrangements in the field of human rights and to include the results of action taken in pursuance of the present resolution;

12. Decides to consider the question further at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/47. Decade for Human Rights Education

The Commission on Human Rights,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, such as those of article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article, Convinced that human rights education, both formal and non-formal, should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education contributes to a concept of development consistent with the dignity of women and men of all ages which takes into account the diverse segments of society, such as children, indigenous people, minorities and disabled persons,

Noting that human rights education is one of the six major elements of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights in June 1993,

Bearing in mind the report of the Secretary-General on human rights education, submitted to the General Assembly in accordance with the request contained in Assembly resolution 48/127 of 21 December 1993 (A/49/261 and Add.1),

Considering General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education and welcomed the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, as contained in the report of the Secretary-General,

Believing that human rights education is a key element in helping each woman, man and child to realize their full human potential and to make them aware of all their human rights,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Recalling that it is the responsibility of the High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights, and also to coordinate the implementation of the Plan of Action,

Taking note of the report of the High Commissioner for Human Rights to the General Assembly, in which he declared that human rights education was essential for encouragement of harmonious intercommunity relations, for mutual tolerance and understanding and finally for peace (A/49/36, para. 94),

1. Calls upon all Governments to contribute, in cooperation with non-governmental organizations, educators and the media, to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004 and in particular to consider, in accordance with national conditions, the establishment of a national focal point for human rights education, the development and implementation of an action-oriented

national plan for human rights education and the creation of a national resource and training centre for human rights education, as foreseen in the Plan of Action;

2. Invites Governments to transmit to the High Commissioner for Human Rights comments with a view to supplementing the Plan of Action, and requests the High Commissioner to submit to the Commission at its fifty-second session his proposals for supplementing the Plan of Action, taking into account the views submitted by Governments;

3. Requests the High Commissioner to coordinate the implementation of the Plan of Action and to carry out the other tasks enumerated therein;

4. Also requests the High Commissioner for Human Rights, with the assistance of the Centre for Human Rights and in cooperation with the United Nations Educational, Scientific and Cultural Organization, to carry out the survey of human rights education and prepare the preliminary report provided for in the Plan of Action as soon as possible and to convene, at the appropriate time, the international planning conference for the Decade;

5. Requests the Centre for Human Rights, in cooperation with Member States, human rights treaty-monitoring bodies, other appropriate bodies and competent non-governmental organizations, to support efforts by the High Commissioner for Human Rights in the implementation of the Plan of Action;

6. Requests the Secretary-General to consider the possibility of establishing a voluntary fund within the Office of the High Commissioner for Human Rights to be used in the implementation of the Plan of Action of the Decade for Human Rights Education with special emphasis on support for the human rights education activities of non-governmental organizations;

7. Requests the existing human rights monitoring bodies to place emphasis on the implementation by Member States of their international obligation to promote human rights education;

8. Invites all relevant specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, and United Nations programmes, especially the United Nations Children's Fund, to contribute, within their respective spheres of competence, to the implementation of the Decade for Human Rights Education;

9. Calls upon international, regional and national non-governmental organizations, in particular those concerned with women, labour, development and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to increase their involvement in formal and non-formal education in human rights and to cooperate with the Centre for Human Rights in implementing the Plan of Action;

10. Decides to consider the question of human rights education under item 11 of its agenda, beginning with its fifty-second session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/48. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its own resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991, 1992/40 of 28 February 1992, 1993/57 of 9 March 1993 and 1994/48 of 4 March 1994,

Recalling further that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action (A/CONF.157/23), emphasized that regional arrangements played a fundamental role in promoting and protecting human rights,

Taking note of resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the ASEAN Institute of Strategic and International Studies, intended, *inter alia*, to facilitate the process of developing a subregional human rights body for the promotion and protection of human rights in the ASEAN countries, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Recalling the contribution made by the third Workshop for the Asia and Pacific Region on Human Rights Issues held in Seoul from 18 to 20 July 1994, particularly its Chairman's concluding remarks, Recalling also that the accomplishments of the 1994 Seoul Workshop were built upon the consensus achieved at the 1993 Jakarta Workshop,

1. Welcomes the report of the Secretary-General (E/CN.4/1995/44) and the progress achieved in the implementation of Commission on Human Rights resolution 1994/48 of 4 March 1994;

2. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depository centre of that Commission, and requests the Secretary-General to maintain a continuing flow of human rights materials to its library;

3. Welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, starting with the Workshop for the Asia and Pacific Region on Human Rights Issues held in Manila from 7 to 11 May 1990, the Workshop held in Jakarta from 26 to 28 January 1993, and the Workshop held in Seoul from 18 to 20 July 1994, which focused, inter alia, on national institutions and regional arrangements for the promotion and protection of human rights;

4. Also welcomes the establishment of national commissions for human rights by the Governments of India and Indonesia;

5. Further welcomes the decisions concerning and the preparatory steps taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of Nepal, Pakistan, Papua New Guinea, Sri Lanka and Thailand;

6. Endorses the substantive conclusions of the Workshop for the Asia and Pacific Region on Human Rights Issues held in Seoul contained in its Chairman's concluding remarks, inter alia, that such workshops should be organized regularly, as proposed by the Government of the Republic of Korea, and if possible annually, with a view to facilitating the exchange of ideas and information regarding matters of common interest in the field of human rights in the Asian and Pacific region;

7. Requests the Secretary-General to facilitate the realization of that activity under the regular budget for advisory services and technical assistance;

8. Notes that Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions;

9. Appeals to all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations to organize, under the programme of advisory services and technical assistance for the promotion and protection of human rights, information and/or training courses at the national or regional level for appropriate government personnel on the application of international human rights standards and the experience of relevant national and international organs;

10. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights;

11. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical Cooperation in the Field of Human Rights, to facilitate better access to and fuller utilizations of those programmes by all countries in the Asian and Pacific region;

12. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights;

13. Also encourages all States in the Asian and Pacific region to consider ratifying and acceding to international human rights instruments adopted within the framework of the United Nations system, with the aim of universal acceptance;

14. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

15. Requests the Secretary-General to submit to the Commission at its fifty-second session a further report incorporating information on the progress achieved in the implementation of the present resolution;

16. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/49. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the principles and purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms, Recalling previous General Assembly and its own resolutions on this subject,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights,

Taking note of the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

1. Takes note of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1995/46 and Add.1);

2. Appreciates the measures taken by the Department of Public Information and the Centre for Human Rights to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects of the Centre for Human Rights, and encourages the Secretary-General to ensure the widest possible dissemination of the Vienna Declaration and Programme of Action and of information on its follow-up activities;

3. Urges the Centre for Human Rights, in cooperation with the Department of Public Information, to finalize its comprehensive review of the programme of information and publications in the field of human rights, including the elaboration of a new information strategy and to make an assessment of the effectiveness of this programme, and to present a detailed report on this issue for the consideration of the Commission at its fifty-third session;

4. Encourages the Centre to continue the development of training courses and materials, including targeted training manuals for professional audiences, as described in the report of the Secretary-General;

5. Takes note of the efforts of the Department of Public Information with respect to computer-accessible information on all aspects of human rights and of the Centre for Human Rights to establish a database for the promotion of all aspects of human rights;

6. Urges the Department of Public Information, in cooperation with the Centre for Human Rights, to utilize more fully and effectively United Nations information centres for the purpose of timely dissemination, within their designated areas of activity, of basic information and reference materials on human rights and fundamental freedoms, including the reports of States parties to treaty-monitoring bodies, and, to this end, to ensure that United Nations

information centres are supplied with adequate quantities of those materials, both in the official languages of the United Nations and in the relevant national languages;

7. Urges the Department of Public Information to make full use of resources available for this purpose to produce factual information materials on all aspects of human rights in all regions;

8. Requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in the implementation of the World Public Information Campaign, including in the dissemination of human rights materials;

9. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

10. Supports the recommendation contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights that Member States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women, and encourages Member States, in drawing up national action plans for the promotion and protection of human rights, to include broad-based education and public information programmes on human rights;

11. Calls upon the High Commissioner for Human Rights to coordinate and harmonize human rights information strategies within the United Nations system;

12. Requests the High Commissioner for Human Rights to ensure close cooperation between the Centre for Human Rights and the Department of Public Information in the implementation of the aims established for the World Public Information Campaign for Human Rights and coordination with the United Nations Educational, Scientific and Cultural Organization regarding education for human rights, taking into account the launching by the United Nations General Assembly of the United Nations Decade for Human Rights Education;

13. Requests the Secretary-General to consider making available adequate resources from within the regular budget of the United Nations in order to allow the Centre to implement fully its publications programme, as part of his efforts towards strengthening the Centre for Human Rights, implementing the Vienna Declaration and Programme of Action and supporting the High Commissioner for Human Rights in his coordinating role;

14. Also requests the Secretary-General to submit to the Commission, at its fifty-third session, a report on public information activities, with special emphasis on the activities of the World Public Information Campaign

for Human Rights, including information on expenditures incurred in the biennium 1994-1995 and those envisaged for future activities and other questions raised in the present resolution;

15. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/50. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own relevant resolutions concerning national institutions for the promotion and protection of human rights, notably Assembly resolution 48/134 of 20 December 1993 and Commission on Human Rights resolution 1994/54 of 4 March 1994,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements to ensure the effective implementation of international human rights instruments,

Convinced of the important role national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions, annexed to that resolution,

Welcoming the growing interest shown worldwide in the creation and strengthening of independent and pluralistic national institutions expressed during the regional preparatory meetings for he World Conference on Human Rights and at the Conference itself, held in Vienna from 14 to 25 June 1993, as well as at the various international meetings of national institutions for the promotion and protection of human rights held since 1991, Welcoming also the decision, announced recently by several States, to establish, or consider establishing, independent national institutions for the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, in which was reaffirmed the important constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, and in the dissemination of human rights information and education concerning human rights,

Noting in particular that the World Conference urged Governments to strengthen national institutions which play a role in promoting and safeguarding human rights,

Recalling that, at the World Conference on Human Rights, representatives of national institutions which attended as observers played a positive and constructive role in the deliberations of the Conference,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

1. Reaffirms the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights in keeping with the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions;

3. Also encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action, and, where appropriate, to incorporate those elements in national development plans or in their preparation of national action plans;

4. Emphasizes in this regard the need to disseminate the Principles relating to the status of national institutions, annexed to General Assembly resolution 48/134, as widely as possible, and calls upon the Secretary-General to undertake this task;

5. Affirms the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

6. Welcomes the proposal to convene the third International Workshop of National Institutions for the Promotion and Protection of Human Rights in Manila from 18 to 21 April 1995;

7. Requests the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

8. Takes note of the role of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Tunis from 13 to 17 December 1993, in close cooperation with the Centre for Human Rights, to assist Governments and institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions and to hold meetings under the auspices of and in cooperation with the Centre for Human Rights;

9. Requests the Secretary-General to take measures to ensure that national institutions are informed effectively, including through diplomatic channels, about the activities of the Centre for Human Rights involving national institutions;

10. Requests the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for the Technical Cooperation in the Field of Human Rights for these purposes;

11. Takes note of the report of the Secretary-General concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1995/48);

12. Notes the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights;

13. Requests the Secretary-General to invite Member States which have not yet done so to inform him of their views concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights, and invites the Secretary-General to include this information in his report to the Commission at its fifty-second session;

14. Recognizes the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for the better promotion and protection of human rights;

15. Requests the Secretary-General to report to the Commission at its fifty-second session on the implementation of the present resolution;

16. Decides to continue its consideration of this question at its fifty-second session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/51. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1994/58 of 4 March 1994,

Taking into account Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1994/23 of 25 August 1994,

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1995/34), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and Add.1),

Having considered also the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1995/15), and studied the conclusions and recommendations contained therein,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned nevertheless by the fact that, despite those reforms, there continue to be serious human rights violations in Guatemala, attributed mainly to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees,

Concerned also by the fact that situations of impunity continue to exist and that, in cases of human rights violations, there has not been sufficient progress in the investigations and/or judicial proceedings,

Regretting the human rights violations, marginalization and centuries-old discrimination that have been suffered by the indigenous populations in Guatemala, Considering that the economic and social situation continues to have serious consequences for the great majority of the population, particularly for the indigenous populations and the most vulnerable sectors of Guatemalan society, such as displaced persons, elderly persons, women and children,

Taking note of the establishment of the Guatemalan Indigenous Development Fund with the aim of supporting and reinforcing the process of human development of the indigenous populations,

Taking note with satisfaction of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, signed in Mexico City on 10 January 1994, and of the other agreements reached within the process of peace negotiations, particularly the Comprehensive Agreement on Human Rights signed in Mexico City on 29 March 1994, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, signed in Oslo on 17 June 1994, and the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer, signed in Oslo on 23 June 1994,

Recognizing the importance of the establishment, on 21 November 1994, of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), in accordance with General Assembly resolution 48/267 of 19 September 1994,

Taking note of the establishment of the Technical Commission provided for in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, in which representatives of the groups affected participate, and of the resettlement of some groups of internally displaced persons that has already taken place,

Taking note also of the continuation of the process of voluntary return of refugees initiated in 1993,

Concerned by the suspension of the peace negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, which has induced the Secretary-General of the United Nations to urge a resumption of the process and a prompt cease-fire and to submit proposals to that end,

Expressing the hope that the will shown by the Government and by the Unidad Revolucionaria Nacional Guatemalteca will lead to the reactivation of the process, the signing of agreements on all pending subjects, a prompt end to the internal armed conflict and the establishment of a firm and lasting peace,

Recognizing the importance of the role played by the representative of the Secretary-General as moderator in these negotiations, of the participation of the Group of Friendly Countries composed of Colombia, Mexico, Norway, Spain, the United States of America and Venezuela, and of the valuable contributions of the Civil-Society Assembly, on the terms established in the Framework Agreement, _Considering_ that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, as well as technical and financial assistance, with the aim of promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government and people of Guatemala to that end,

1. _Takes note with appreciation_ of the report of the independent expert (E/CN.4/1995/15) and the conclusions and recommendations contained therein;

2. _Expresses its gratitude_ to the Government of Guatemala for the facilities and cooperation afforded to the independent expert in the fulfilment of her mandate;

3. _Recognizes_ the efforts made by the Government of Guatemala and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to promote and protect human rights and fundamental freedoms, taking into account the recommendations of the independent expert and the contributions of MINUGUA;

4. _Regrets_ that, notwithstanding these efforts, serious violations of human rights persist, particularly violations of the right to life and threats and intimidation against the physical integrity of individuals;

5. _Urges_ both parties to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans who are not involved in this conflict and affect the physical security of the civilian population and that of their property;

6. _Exhorts_ the Government of Guatemala to continue to adopt and apply the necessary legal and political measures to strengthen the independence of the judiciary and respect for its decisions;

7. _Also exhorts_ the Government of Guatemala to intensify investigations enabling all those responsible for violations of human rights to be identified and brought to justice, to provide compensation for the victims of such violations within a legal framework, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

8. _Further exhorts_ the Government of Guatemala, within the framework of its general human rights policy, to continue to apply the independent expert's recommendations, in particular those relating to a police system answerable to the civilian authorities and, in accordance with the criteria established in the peace negotiations, to the abolition of the system of voluntary civil self-defence committees;

9. _Notes with satisfaction_ the decision of the Government of Guatemala to suspend forcible military recruitment while the Congress of the Republic

adopts at the earliest possible date the law regulating the performance of military service and definitively eliminating arbitrary recruitment practices;

10. _Again appeals_ to the Government of Guatemala to ensure that all authorities, including the armed forces and security forces, fully respect the human rights and fundamental freedoms of the Guatemalan people, and welcomes the inclusion, in the curricula and training programmes for personnel of the armed forces and security forces, of the constitutional provisions and the international commitments undertaken by the Government of Guatemala in the field of human rights;

11. _Takes note_ of the legal and institutional reforms which the Government of Guatemala has introduced in the system for the administration of justice in order to put an end to violence and impunity, including the entry into force of the new Code of Criminal Procedure, and encourages it to pay particular attention to the legal standards guaranteeing the rights and freedoms of the indigenous populations and the most vulnerable sectors of society;

12. _Expresses its conviction_ that the pre-eminence of civilian authority in the national decision-making process is an indispensable condition for the consolidation of the rule of law and the full realization of human rights, and invites the Government to take into account the independent expert's recommendations to that end;

13. _Recognizes_ the positive work done in defence of human rights by the Human Rights Procurator and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, _inter alia_, through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

14. _Encourages_ the Government of Guatemala to provide the requisite facilities and adopt the necessary measures to ensure that the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights is the focal point for the coordination of the Government's efforts to comply with its international commitments in the field of human rights;

15. _Exhorts_ the Government of Guatemala to adopt concrete measures against extreme poverty that will enable the population to attain better living standards, giving priority to economic and social development programmes, and to strengthen policies and programmes concerning Guatemala's indigenous populations, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

16. _Takes note_ of the continuation of the refugee repatriation process, urges the competent authorities to ensure that this process continues with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

17. Urges the Government of Guatemala to continue to assist the civilian population displaced by the internal armed conflict and to facilitate its resettlement, on the basis of the recommendations of the Technical Commission provided for in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict;

18. Invites the Government of Guatemala to consider the earliest possible ratification of the international human rights instruments to which it is not yet a party, in particular the International Labour Organization's Convention No. 169 concerning indigenous and tribal peoples in independent countries;

19. Expresses its satisfaction at the signing of the Comprehensive Agreement on Human Rights of 29 March 1994 and the establishment of the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala;

20. Urges the parties to comply fully with the Comprehensive Agreement on Human Rights and expresses its confidence that the establishment of the MINUGUA will contribute to the improvement of the situation of the civil, political, economic, social and cultural rights of all Guatemalans;

21. Commends the work of the representative of the Secretary-General as moderator, the efforts of the Group of Friendly Countries to advance the peace process in Guatemala and the valuable contributions of the Civil-Society Assembly;

22. Urges the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca to resume the negotiations as soon as possible, including the preparation of a new timetable in order to reach agreements on all pending items on the agenda, with the corresponding mechanisms for verification;

23. Expresses the hope that the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca will, in accordance with the new timetable, lead to a prompt cease-fire and the signing of a firm and lasting peace agreement as early as possible in 1995;

24. Requests the Secretary-General to continue to provide the Government of Guatemala with advisory services in the field of human rights and to develop specific programmes taking account of non-governmental organizations;

25. Also requests the Secretary-General to extend the mandate of the independent expert so that, taking into account the work of MINUGUA, she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-second session a report evaluating the measures taken by the Government in accordance with the recommendations made to it;

26. Decides to consider the question at its fifty-second session under the appropriate agenda item, in the light of the report of the independent expert on the situation of human rights in Guatemala.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XXI.]

1995/52. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Bearing in mind that Togo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter of Human and Peoples' Rights,

Recalling its resolution 1994/78 of 9 March 1994 on the situation of human rights in Togo,

Welcoming the efforts made with a view to democratization, in particular the adoption of the Constitution of 14 October 1992, which accords high priority to human rights, and the establishment of an independent national human rights commission and a ministry of human rights,

Having examined the report of the Special Rapporteur on the question of torture (E/CN.4/1995/34 and Add.1), the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and Add.1) and the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36),

1. Takes note with interest of the report of the Secretary-General on the situation of human rights in Togo (E/CN.4/1995/16);

2. Welcomes the fact that Togo has set out on the road to democratic political change, and urges all Togolese to respect the outcome of the parliamentary elections of February 1994 and to ensure the effective functioning of the democratically elected parliament;

3. Also welcomes the progress made in the field of human rights and national reconciliation, in particular the amnesty law of December 1994 which has permitted the release of a number of political prisoners;

4. *Urges* the Togolese authorities to continue to further improve the situation of human rights;

5. *Calls upon* the Togolese authorities to comply fully with their obligations under the international human rights instruments to which Togo is a party;

6. *Encourages* the Togolese authorities to facilitate the participation of the organs of society in the process of democratization, including national institutions dealing with the promotion and protection of human rights;

7. *Welcomes* the forthcoming dispatch to Togo, at the request of the Government of Togo, of an evaluation mission of the Centre for Human Rights with a view to the elaboration of an appropriate programme of technical assistance to strengthen the structures for the promotion and protection of human rights in Togo, within the framework of the Centre's programme of advisory services and technical assistance;

8. *Strongly encourages* the Government of Togo to continue its cooperation with the Centre for Human Rights through the Centre's programme of advisory services and technical assistance;

9. *Requests* the Secretary-General to submit to the Commission at its fifty-second session, with a view to ending consideration of the question under the agenda item entitled "Advisory services in the field of human rights", a report on the implementation of the present resolution.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XXI.]

1995/53. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the latest resolution of the Commission on Human Rights on the subject, 1994/69 of 9 March 1994,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for an enhanced programme of advisory services highlighting both the traditional fields of technical assistance in the field of human rights and new areas of technical assistance of which Governments may avail themselves, as summarized in the report of the Secretary-General (E/CN.4/1995/89 and Add.1), Mindful of the responsibilities of the High Commissioner for Human Rights set out in General Assembly resolution 48/141 of 20 December 1993, in particular that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights, and of coordinating the human rights promotion and protection activities throughout the United Nations system,

Encouraging all States in need of assistance in the field of human rights to consider making use of the advisory services and technical cooperation being offered on a bilateral, regional or international level, provided by the Centre for Human Rights or other relevant bodies involved in the field of human rights within the United Nations system or by national institutions or non-governmental organizations, in order to achieve the full enjoyment of all human rights,

Welcoming the activities undertaken by the High Commissioner for Human Rights, in fulfilment of his mandate, to provide advisory services to countries at their request, as reflected in his report to the Commission on Human Rights (E/CN.4/1995/98),

Emphasizing the importance of the development of assistance in the field of human rights, including through the assignment of human rights field officers, to countries in transition or in reconstruction after situations of armed conflict or internal disturbance, with the consent of the Government concerned,

Convinced of the need for the Secretary-General and the High Commissioner for Human Rights to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible and active inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of focal point and clearing-house for inter-agency coordination on human rights issues with other organizations of the United Nations system,

Reaffirming that within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Reaffirming also that the provision of advisory services and technical cooperation activities may be seen as a complement to, but not a substitute for, the monitoring and investigating activities of the human rights programme and that their provision does not reduce a Government's responsibility to account for the human rights situation and, whenever applicable, would not exempt it from monitoring through the various procedures established by the United Nations, Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1995/89), as well as of the report of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1995/89/Add.1),

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide, at the request of Governments and, where appropriate, with the cooperation of the specialized agencies, inter alia, assistance in the form of advisory services of experts, fellowships and scholarships, seminars and training courses at the regional and national levels and the drafting of basic legal texts in conformity with international conventions on human rights with a view to enhancing the rule of law and democracy;

2. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

3. Invites competent United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

4. Requests the Secretary-General, in the context of the budgetary planning for the biennium 1996-1997, to allocate more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources, in a manner compatible with other development objectives, in order to meet the substantially increased demand;

5. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites more Governments and non-governmental organizations to consider contributing;

6. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improving the implementation of international conventions and other international standards on human rights;

7. Requests the Secretary-General, in accordance with part II, paragraph 16 of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

8. Requests the Board of Trustees to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the process of selecting and implementing technical assistance projects, the conduct of needs assessments in a comprehensive manner and the evaluation of ongoing and terminated projects against the objectives that have been set;

9. Takes notes with interest of the general recommendations of the Board of Trustees relating to the enhancement of the effectiveness of advisory services as reflected in its report (E/CN.4/1995/89/Add.1);

10. Requests the Secretary-General to provide the necessary administrative assistance for the Board, in order to make it possible for it to fulfil its mandate, and to arrange meetings of the Board such that its report can be included in the annual report to the Commission on Human Rights on advisory services and technical cooperation;

11. Encourages Governments to cooperate with non-governmental human rights organizations in formulating, implementing and evaluating programmes under the Voluntary Fund;

12. Requests the Secretary-General to incorporate in his next report to the Commission on Human Rights on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights, the activities undertaken by the Board of Trustees and, in that connection, invites the Chairman of the Board to address the Commission;

13. Reaffirms that the High Commissioner for Human Rights is the United Nations officer with principal responsibility for United Nations human rights activities according to the mandate established in General Assembly resolution 48/141 of 20 December 1993, which provides, inter alia, for coordination by the High Commissioner of the human rights promotion and protection activities throughout the United Nations system and the provision of advisory services, and requests the Secretary-General to continue to support the High Commissioner in fulfilling his mandate;

14. Requests the High Commissioner to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, including arrangements where needs identified by the Centre are met by projects for which such bodies and organizations take full responsibility for financing and implementation;

15. Encourages in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme, with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the overall United Nations Development Programme country programmes and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the Programme;

16. Requests the Secretary-General to submit a report to the Commission at its fifty-second session containing an inventory and an analysis of the availability of advisory services and technical cooperation in the field of human rights from all sources, both multilateral and bilateral, and to request relevant information from such sources;

17. Also requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XXI.]

1995/54. Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1994/50 of 4 March 1994 and General Assembly resolution 49/194 of 23 December 1994,

1. Notes with satisfaction the report of the Secretary-General to the General Assembly (A/49/512) submitted in conformity with General Assembly resolution 48/132 of 20 December 1993;

2. Takes note with interest of the proposals contained therein for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions in the rule of law;

3. Praises the efforts made by the High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for Human Rights for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Requests the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial means to strengthen the capacity of the Centre for Human Rights to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law, and to submit a report on the matter to the General Assembly at its fiftieth session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XXI.]

1995/55. The situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including part III relating to human rights,

Recalling Commission on Human Rights resolution 1994/61 of 4 March 1994, General Assembly resolution 49/199 of 23 December 1994, and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the Secretary-General's subsequent appointment of a special representative, Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991;

Welcoming the establishment in Cambodia of the office of the Centre for Human Rights,

1. Requests the Secretary-General to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources from within existing United Nations resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the visit to Cambodia of the United Nations High Commissioner for Human Rights;

3. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

4. Takes note with appreciation of the latest report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1995/87 and Add.1), and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance and freedom of expression;

5. Notes with appreciation the programmes of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General;

6. Takes note of the statement presented by the Government of Cambodia to the United Nations General Assembly on 22 November 1994;

7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made in his report, and those contained in his previous reports, are followed up and implemented;

8. Requests the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

9. Also requests the Secretary-General to provide all necessary resources from within the regular budget of the United Nations to enable the Special Representative to continue to fulfil his tasks expeditiously;

10. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, including measures to improve human rights education, conditions of prisons and in creating a functioning system of justice, and urges that efforts continue in these areas;

11. Expresses grave concern about the atrocities committed by the Khmer Rouge, including the massacre of approximately 50 villagers in Battambang Province in October 1994, the numerous incidents of kidnapping of villagers, attacks on tourists, including the taking and killing of foreign hostages, and other deplorable incidents detailed in the reports of the Special Representative;

12. Condemns unreservedly all threats by the Khmer Rouge, including the widespread use of land-mines, to the safety of persons involved in development assistance activities in rural Cambodia;

13. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel land-mines on Cambodian society and encourages the Government of Cambodia to continue its efforts to remove these mines;

14. Expresses concern at the serious violations of human rights as detailed by the Special Representative in his reports, and further encourages the Government of Cambodia to investigate thoroughly allegations of human rights abuse and to prosecute those who are guilty of human rights offences in accordance with the due process of the law and international standards relating to the administration of justice;

15. Takes note of the concern expressed by the Special Representative in his report at the widely reported allegations of threats to members of the National Assembly and recommends that the Government of Cambodia take all necessary steps to ensure that members of the National Assembly can work in an environment free from intimidation;

16. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the international covenants and other human rights instruments to which Cambodia is a party;

17. Welcomes the agreement by the Governments of Cambodia and Viet Nam to address immigration policy and practice in a way consistent with national legislation and appropriate international standards;

18. Encourages the Government of Cambodia to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the Office of the Centre for Human Rights in Cambodia;

19. Encourages the National Assembly of Cambodia to enact a press law which is consistent with internationally recognized standards and which protects freedom of expression while promoting press responsibility;

20. Commends the ongoing efforts of the Office of the Centre for Human Rights in Cambodia in supporting and assisting the Government of Cambodia, as well as non-governmental organizations and others involved in the protection and promotion of human rights in cooperation with the Government of Cambodia, and condemns attacks on them unreservedly;

21. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

22. Requests the Centre for Human Rights, in cooperation with the relevant United Nations specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children and minorities;

23. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities for the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to this Trust Fund;

24. Decides to review the programmes and mandates set out in its resolution 1993/6 at its fifty-second session;

25. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-second session and to provide an interim report to the General Assembly at its fiftieth session;

26. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-second session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

27. Decides to continue its consideration of this matter at its fifty-second session under the agenda item entitled "Advisory services in the field of human rights".

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XXI.]

1995/56. *Assistance to Somalia in the field of human rights*

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling relevant resolutions of the General Assembly and of the Security Council, in particular Security Council resolution 954 (1994) of 4 November 1994,

Recalling also its own resolution 1994/60 of 4 March 1994, in which it requested the independent expert to report on conditions in Somalia and on the implementation of the resolution,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Conscious that the United Nations Operation in Somalia II will complete its withdrawal during March 1995, and that therefore its human rights unit will cease to exist,

Noting in this respect assurances of cooperation and non-interference with such withdrawal expressed by all Somali parties,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Taking note with appreciation of the efforts aimed at encouraging a peaceful political solution to the crisis, in particular those of neighbouring countries and the Organization of African Unity,

Appreciating also in this respect, the role of organizations such as the Organization of the Islamic Conference and the League of Arab States,

Affirming the need for a peaceful process leading to the disarmament of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at alleged sentences issued in disregard of international criminal justice standards, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment,

Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against United Nations personnel, personnel of other humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death, Recognizing the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that the independent expert has not been able to carry out his mandate owing to the circumstances prevailing in Somalia,

Believing none the less that the Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

2. Strongly urges all parties in Somalia to respect the human rights and fundamental freedoms of all, to prevent violations of international humanitarian law and human rights, to apply criminal justice standards and to protect United Nations personnel, including contingents forming part of the United Nations Operation in Somalia II, humanitarian relief workers and representatives of the international media;

3. Requests the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, *inter alia* through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards;

4. Requests the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

5. Also requests the Secretary-General to report to the Commission at its fifty-second session on the situation of human rights in Somalia and the implementation of the present resolution;

6. Decides to continue consideration of the question at its fifty-second session under the appropriate agenda item, in the light of the report of the Secretary-General.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XXI.]

1995/57. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the steadily increasing number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

Recognizing that internally displaced persons are in need of protection and of relief assistance, and recognizing the need for States and the international community to explore methods and means better to address the protection and assistance needs of internally displaced persons,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community,

Recalling in this connection resolution 1994/24 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities on the right to freedom of movement,

Bearing in mind General Assembly resolution 49/169 of 23 December 1994, noting that the involuntary displacement of persons within their own countries remains a problem of grave humanitarian concern and that the many and varied underlying causes of involuntary internal displacement and of refugee movements are similar in numerous cases, and recognizing that actions by the international community, in consultation and coordination with the State concerned, on behalf of the internally displaced may contribute to the easing of tensions and the resolution of problems resulting in displacement, and constitute important components of a comprehensive approach to the prevention and solution of refugee problems,

Also bearing in mind the General Assembly noting that, in a number of instances, the internally displaced are present alongside refugees, returnees or a vulnerable local population in situations where it is neither reasonable nor feasible to treat the categories differently in responding to their needs for assistance and protection,

Welcoming the call by the General Assembly for a more concerted response by the international community to the needs of internally displaced persons while emphasizing that activities on their behalf must not undermine the institution of asylum,

Aware of the need to address the root causes of internal displacement,

Aware in particular of the need for the development of global strategies to address this problem, and recalling in this respect the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for a comprehensive approach by the international community with regard to refugees and displaced persons,

Welcoming the cooperation established between the representative of the Secretary-General and the High Commissioner for Human Rights, the

United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department of Humanitarian Affairs of the Secretariat and other relevant intergovernmental and non-governmental organizations, including through the Partnership in Action process, and encouraging them to continue actively to pursue their consultations on this issue,

Welcoming also the regional initiatives being undertaken in response to problems of internal displacement, and recalling in particular the San José Declaration on Refugees and Displaced Persons and the recommendations of the Seminar on Refugees and Forced Population Movements in Africa, held in Addis Ababa in September 1994,

Conscious of the need for the United Nations system to gather comprehensive information on the issue of the protection of the human rights of and assistance to internally displaced persons,

Welcoming the conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the question of internally displaced persons (A/AC.96/839, para. 20), in particular its acknowledgement of the work of the representative of the Secretary-General and of his efforts to compile existing international standards in respect of the treatment of the internally displaced,

Recalling General Assembly resolution 48/135 of 20 December 1993, in which the Assembly invited the representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection of and assistance to internally displaced persons,

Bearing in mind the support for the work of the representative of the Secretary-General expressed in a number of international and regional declarations, specifically the San José Declaration on Refugees and Displaced Persons which called for an extension of his mandate,

1. _Takes note with appreciation_ of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1995/50 and Add.1-4);

2. _Commends_ the representative of the Secretary-General for the activities so far undertaken, despite the limited resources available to him, and for his proposed programme of activities;

3. _Welcomes_ the catalytic role the representative is playing to raise the level of consciousness about the plight of the internally displaced;

4. _Encourages_ the representative, through dialogue with Governments and all intergovernmental and non-governmental organizations concerned, in accordance with his mandate, to continue his review of the need for protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations;

5. Also encourages the representative to continue to pay specific attention in his review to the protection and assistance needs of women and children;

6. Calls upon all Governments to continue to facilitate the activities of the representative, encourages them to give serious consideration to inviting him to visit their countries, so as to enable him to study and analyse more fully the issues involved, and thanks those Governments which have already done so;

7. Invites Governments to give due consideration, in dialogue with the representative, to the recommendations and suggestions made to them by the representative, in accordance with his mandate, and to inform him of measures taken thereon;

8. Welcomes the cooperation established between the representative of the Secretary-General and the High Commissioner for Human Rights, and encourages them to strengthen this cooperation further;

9. Calls upon the High Commissioner for Human Rights, the Department of Humanitarian Affairs, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Development Fund for Women, the International Committee of the Red Cross, the International Organization for Migration and all other humanitarian agencies involved to continue to cooperate with the representative, to provide him with relevant information and to assist him in fulfilling his mandate, and encourages the representative of the Secretary-General to continue to cooperate and coordinate with them;

10. Calls upon the representative and regional intergovernmental organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to intensify their cooperation with a view to encouraging their undertaking initiatives to facilitate assistance to and protection of internally displaced persons, and requests the representative to report on these efforts and on areas of his cooperation with them;

11. Calls upon relevant rapporteurs, working groups, experts and the High Commissioner for Human Rights, through his field activities, in accordance with their mandates, to seek information on situations which have already created or could lead to internal displacement and to include relevant information and recommendations thereon in their reports;

12. Encourages the representative of the Secretary-General to pursue the setting up of a more coherent system of data collection on issues related to the situation and protection of internally displaced persons;

13. Also encourages the representative to continue to seek the contribution of local, national and regional academic institutions;

14. Decides to extend for a further three years the mandate of the representative;

15. _Requests_ the Secretary-General to provide, within existing resources, all the necessary human and financial assistance to his representative to fulfil his mandate effectively;

16. _Requests_ the representative to continue to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly;

17. _Decides_ to continue its consideration of the question at its fifty-second session.

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XI.]

1995/58. _Human rights and disability_

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions of economic and social progress and development,

Welcoming the unreserved reaffirmation in the Vienna Declaration and Programme of Action (A/CONF.157/23) of the human rights and fundamental freedoms of persons with disabilities and the recognition in the Programme of Action of the International Conference on Population and Development (A/CONF.171/13, chap. I, resolution 1, annex) of a pressing need for, _inter alia_, the realization of the goals of full participation and equality for persons with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and in particular the decision to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor the implementation of the Standard Rules (annex, section IV, para. 2),

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, which provides a firm and innovative framework for disability-related issues,

Re-emphasizing the responsibility of Governments for removing or facilitating the removal, as far as possible, of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities, *Aware* of the major obstacles to the implementation of the World Programme of Action concerning Disabled Persons, foremost among these being an inadequate allocation of resources,

Noting the Centre for Human Rights publication *Human Rights and Disabled Persons* (United Nations publication, Sales No. E.92.XIV.4) by Mr. Leandro Despouy, Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, in which international mechanisms for the protection of persons with disabilities, such as an ombudsman, are proposed,

Having due regard to the preconditions for equal participation set out under section I of the Standard Rules, including national action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and the need to realize these, to recognize their contributions, to provide effective medical care, including mental health care, to ensure rehabilitative services, to establish and maintain support services, including the provision of devices to assist persons with disabilities, and to help them to increase their level of independence in their daily living and to exercise their rights,

1. *Calls upon* the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

2. *Welcomes* the work done by the Committee on Economic, Social and Cultural Rights to draw attention to the recommendations of the Special Rapporteur on disability of the Committee for Social Development;

3. *Encourages* all the human rights treaty-monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by persons with disabilities;

4. *Calls upon* States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

5. *Notes with appreciation* that a number of Member States have made, or have indicated their intention to make, contributions to support the work of the Special Rapporteur;

6. *Urges* all Governments to implement, with the cooperation and assistance of organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

7. *Invites* Governments and the private sector to provide meaningful assistance to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

8. Urges non-governmental organizations active in the protection and promotion of persons with disabilities to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Centre for Human Rights;

9. Requests the Secretary-General to ensure appropriate support for the effective functioning of the long-term strategy to implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond (A/49/435, annex);

10. Encourages the Secretary-General and the United Nations agencies concerned to finalize, in consultation with Member States, the development of a global disability indicator in the Commission on Social Development, and also encourages the Special Rapporteur to make use of it, where appropriate, in his future work;

11. Encourages the consideration during major forthcoming events, including the World Summit for Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace, of disability issues relevant to the subject-matter of those events;

12. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

13. Reaffirms its commitment to ensuring that the rights of persons with disabilities and their concerns for full participation in community affairs continue to be addressed in all of its work;

14. Decides to continue to consider the question at its fifty-second session under the agenda item entitled "Report of the Subcommission on Prevention of Discrimination and Protection of Minorities".

53rd meeting
3 March 1995
[Adopted without a vote. See chap. XIX.]

1995/59. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Subcommission on Prevention of Discrimination and Protection of Minorities to analyse the available information concerning the practice of administrative detention without charge or trial, and to make appropriate recommendations on the use of this practice,

Reaffirming articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights, Taking into account General Assembly resolution 49/181 of 23 December 1994,

Having taken note, at its forty-seventh session, of the revised report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein,

Recalling that the General Assembly, in its resolution 43/173 of 9 December 1988, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which also covers administrative detention, and that, consequently, there is no longer a purpose in treating the question of administrative detention independently, even if, in certain cases, the procedure of administrative detention gives rise to specific abuses,

Recalling also its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993 and 1994/32 of 4 March 1994,

Bearing in mind that, in accordance with resolution 1991/42, the task of the Working Group on Arbitrary Detention is to investigate cases of detentions imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights, or in the relevant international legal instruments accepted by the States concerned,

Having considered the report of the Working Group (E/CN.4/1995/31 and Add.1-4),

Having heard the comments made during the fifty-first session of the Commission,

1. Takes note of the way with which the Working Group on Arbitrary Detention has revised its methods of work and recalls the importance to respect the procedures in its dialogue with States and in seeking the cooperation of all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

2. Takes note also of the Working Group's report (E/CN.4/1995/31 and Add.1-4);

3. Requests the Working Group to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

4. Invites the Working Group to take account of the need to carry out its task with discretion, objectivity, impartiality and independence, within the framework of its mandate and invites the experts to perform their tasks with rigour, in the light of the very specific nature of their mandate, which is notably to investigate cases, and to respond effectively to credible and reliable information that comes before them;

5. Takes note in this context of the importance that the Working Group attaches to coordination with other mechanisms of the Commission and with the treaty-monitoring bodies, as well as to the strengthening of the role of the Centre for Human Rights in such coordination, and encourages the Working Group to avoid unnecessary duplication;

6. Takes note also of the "deliberations" adopted by the Working Group on issues of a general nature with a view to achieving better prevention and to facilitating the consideration of future cases as well as helping further to strengthen the impartiality of its work;

7. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

8. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging the character of the detention;

9. Invites Governments concerned to take note of the Working Group's decisions and, where necessary, to take appropriate steps and to inform the Working Group of the steps they have taken;

10. Encourages Governments to pay attention to the recommendations of the Working Group concerning persons who have been detained for a number of years;

11. Notes with appreciation that two Governments have invited the Working Group to carry out on-site missions and encourages all Governments to consider inviting the Working Group to their countries so as to enable the Group to fulfil its mandate;

12. Also welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

13. Expresses its concern at the fact that, according to the data of the Working Group, most cases of arbitrary deprivation of liberty are motivated by denial of the exercise of the right to freedom of opinion and expression, and recalls the need to pay due attention to cases of arbitrary detention motivated by violation of other human rights and fundamental freedoms;

14. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without a formal declaration, non-observance of the principle of proportionality between the gravity of the measures taken and the situation concerned, too vague a definition of offences against State security, and the existence of special or emergency jurisdictions;

15. Encourages States to endeavour to take appropriate measures to ensure that their legislation in these fields is in conformity with the relevant international instruments, and not to prolong states of emergency beyond what is strictly required by the situation, or to limit their effects;

16. Requests the Special Rapporteur on states of emergency of the Subcommission on Prevention of Discrimination and Protection of Minorities to extend assistance to Governments expressing the wish to receive it, as well as to Special Rapporteurs and Working Groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

17. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate;

18. Requests the Working Group to submit a report to the Commission, at its fifty-second session, and to make any suggestions and recommendations which would enable it to discharge its task in the best possible way, in cooperation with Governments, and to continue its consultations to that end within the framework of its terms of reference;

19. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

59th meeting
7 March 1995
[Adopted without a vote. See chap. X.]

1995/60. Ways and means of overcoming obstacles to the establishment of a democratic society and requirements for the maintenance of democracy

The Commission on Human Rights,

Bearing in mind the fulfilment of its mandate as defined in the Charter of the United Nations and the various resolutions of the Economic and Social Council,

Pursuing the objectives set forth in the Charter of the United Nations, namely to establish conditions under which justice and equal rights for men and women can be maintained, to promote social progress and better standards of life in larger freedom,

Bearing in mind the indissoluble links between the principles enunciated in the Universal Declaration of Human Rights and the foundations of any democratic society,

Aware that implementation of the principles of the Universal Declaration of Human Rights, such as the principles of human dignity, freedom of opinion, freedom of association and freedom of expression and the right of participation takes place through establishment of a democratic society,

Bearing in mind that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted on 25 June 1993 by the World Conference on Human Rights, state in part I, paragraph 8, that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Taking account of the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy held at Montreal from 8 to 11 March 1993,

Taking account also of General Assembly resolution 49/30 of 7 December 1994 entitled "Support by the United Nations system for the efforts of Governments to promote and consolidate new or restored democracies" and recognizing the importance of the Managua Declaration and Plan of Action adopted by the Second International Conference of New or Restored Democracies held in Managua from 4 to 6 July 1994),

Considering that democracy best serves to facilitate individual and collective expression of freedom of opinion,

Reaffirming that in a democracy the widest participation in the democratic dialogue by all sectors and actors of society must be promoted in order to come to agreements on appropriate solutions to the social, economic and cultural problems of a society,

Taking account of the fact that freedom of opinion and expression is reflected in a democratic society through an electoral system which allows all tendencies, interests and feelings to obtain representation at the level of the executive and legislative power and, therefore, at all levels of power,

Fully aware that creation of the conditions for a democratic society is essential for the prevention of discrimination and for the protection of minorities,

1. _Requests_ the Secretary-General to circulate to the Commission on Human Rights any materials prepared in response to General Assembly resolution 49/30 of 7 December 1994 entitled "Support by the United Nations system for the efforts of Governments to promote and consolidate new or restored democracies";

2. _Recommends_ that the Subcommission on Prevention of Discrimination and Protection of Minorities discuss at its next session ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights;

3. _Decides_ to examine, taking into account the outcome of the discussion to be held at the Subcommission, as well as the documentation to be submitted by the Secretary-General, ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights, at its fifty-second session,

under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

59th meeting
7 March 1995
[Adopted without a vote. See chap. XI.]

1995/61. Composition of the staff of the Centre for Human Rights

The Commission on Human Rights,

Recalling Article 101, paragraph 3, of the Charter of the United Nations, which states that the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible,

Also recalling part II, paragraph 11 of the Vienna Declaration and Programme of Action (A/CONF.157/23) in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities,

Taking into account the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries and in this regard to improve the current composition of the staff of the Centre on the basis of a more equitable geographical distribution,

Reaffirming its resolution 1994/56 of 4 March 1994,

Taking note of the report on the distribution of posts of the Centre for Human Rights submitted by the Secretary-General to the General Assembly, through the Economic and Social Council, pursuant to its resolution 1994/56 (A/49/545),

Concerned by the underrepresentation of the developing countries on the staff of the Centre for Human Rights, in particular in Professional posts, as shown in the above-mentioned report,

1. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criteria of equitable geographical distribution;

2. Considers that it is necessary to take urgent, concrete and immediate steps to change the prevailing distribution of posts of the staff of the Centre for Human Rights in favour of an equitable geographical

distribution of those posts in accordance with Article 101 of the Charter of the United Nations, particularly by recruiting personnel from developing countries, including to key posts;

3. Requests the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment for the Centre for Human Rights of personnel from developing countries, for the existing vacancies as well as for additional ones, to ensure equitable geographical distribution, giving priority in particular in this regard to recruitment to high-level and Professional posts and to the recruitment of women;

4. Also requests the Secretary-General, in signing agreements with countries as a result of which junior professional officers are provided to the Centre for Human Rights, to urge those countries to ensure financial resources to guarantee that personnel from developing countries are able to work as junior professional officers, with a view to conforming to the principle of equitable geographical distribution;

5. Urges the Secretary-General to submit a comprehensive report to the General Assembly at its fiftieth session on the geographical composition and functions of the staff of the Centre for Human Rights and other categories of officers involved in its activities, including measures adopted, and their results, and recommendations for improving the present situation;

6. Decides to consider this matter at its fifty-second session.

59th meeting
7 March 1995
[Adopted by a roll-call vote of 35 votes to 16,
with 1 abstention. See chap. XI.]

1995/62. Respect for the universal freedom of travel and the vital importance of family reunification

The Commission on Human Rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,

Stressing that, as stated in the Programme of Action (A/CONF.171/13, chap. I, resolution 1, annex) adopted by the International Conference on Population and Development, held in Cairo from 5 to 13 September 1994, family reunification of documented migrants is an important factor in international migration, and that financial remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling General Assembly resolution 49/182 of 23 December 1994,

1. Calls upon all States to ensure the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. Reaffirms that all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its integration into their national legislation in order to ensure the protection of the unity of the families of documented migrants;

3. Calls upon all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to relatives in the country of origin;

4. Also calls upon all States to discourage or repeal legislation that adversely affects the family reunification of documented migrants and the transfer of financial remittances;

5. Recommends to the General Assembly, through the Economic and Social Council, that the Assembly consider this question at its fiftieth session;

6. Decides to remain seized of this matter.

59th meeting
7 March 1995
[Adopted by a roll-call vote of 27 votes to 9, with 17 abstentions. See chap. XI.]

1995/63. Advisory services to El Salvador in the field of human rights

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 1994/62 of 3 March 1994,

Noting with satisfaction the report of the Independent Expert, Mr. Pedro Nikken (E/CN.4/1995/88),

Congratulating the Government and people of El Salvador on the significant progress made in the human rights situation in the country and thanking the United Nations Observer Mission in El Salvador (ONUSAL) for its important contribution to that process,

Emphasizing the work done in El Salvador by the Secretary-General of the United Nations, as well as by the friendly countries Colombia, Mexico, Spain, the United States of America and Venezuela,

Recalling that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations, Bearing in mind the progress of the peace process in El Salvador and its positive consequences for the strengthening of democracy and the enjoyment of human rights,

Considering the content of the report of the Independent Expert, in which he states that in El Salvador the necessary conditions exist to embark on a new era of cooperation and technical assistance and that such cooperation and assistance should be provided to El Salvador,

Bearing in mind the cooperation programmes for El Salvador being conducted by other United Nations bodies,

Welcomes the request of the Government of El Salvador for technical assistance and advisory services in the field of human rights from the Centre for Human Rights,

1. Commends the Independent Expert for his work in carrying out his mandate;

2. Welcomes the proposal of the Independent Expert for the conclusion of a technical cooperation agreement between the Government of El Salvador and the Centre for Human Rights and invites them to conclude such an agreement;

3. Urges the Voluntary Fund for Technical Cooperation in the Field of Human Rights to support the technical cooperation programme agreed upon by the Centre for Human Rights and the Government of El Salvador;

4. Requests the High Commissioner for Human Rights, in accordance with the mandate given him by General Assembly resolution 48/141 of 20 December 1993, to facilitate the implementation of the technical cooperation agreement in close contact with the Government of El Salvador;

5. Decides to conclude consideration of this matter.

59th meeting
7 March 1995
[Adopted without a vote. See Chap. XXI.]

1995/64. Strengthening the Centre for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 49/195 of 23 December 1994, as well as its own resolutions on this question,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization, Recalling that in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights stressed the importance of strengthening the Centre for Human Rights,

Bearing in mind that the Secretary-General, in his report on the work of the Organization for 1994, stated that the continuous increase in requests was increasing the workload of the Centre for Human Rights and placing ever greater demands on its resources (A/49/1, para. 387),

Taking into account that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,

Taking into account also the establishment of the post of United Nations High Commissioner for Human Rights, as well as the mandate for the post, as defined in General Assembly resolution 48/141 of 20 December 1993, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in that resolution for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Noting with concern that the responses to these requests have not been commensurate with the needs,

Taking into account that the mandate of the High Commissioner includes rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights, with a view to improving its efficiency and effectiveness,

Noting again that the difficult financial situation of the Centre for Human Rights has created considerable obstacles in implementing in full and on time the various procedures and mechanisms,

Taking note with appreciation of the measures taken by the Assistant Secretary-General for Human Rights, head of the Centre, regarding the administration and management of the Centre,

Emphasizing that further improvement in the functioning and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to cope with its constantly increasing workload,

Welcoming, in this context, the decision to examine the structures of the Secretariat of the United Nations dealing with human rights, particularly the Centre for Human Rights, as announced by the High Commissioner in his report (E/CN.4/1995/98),

Noting that, to improve the functioning and efficiency of the Centre for Human Rights, good management practices need to be complemented by resources commensurate with additional mandates, *Recalling* Article 101, paragraph 3, of the Charter of the United Nations, which states that the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible,

Taking note of the interim report of the Secretary-General on the strengthening of the Centre for Human Rights (E/CN.4/1995/113),

1. *Supports and encourages* the efforts of the Secretary-General to enhance the role and further improve the functioning of the Centre for Human Rights, under the overall supervision of the High Commissioner for Human Rights;

2. *Notes* the decision taken by the General Assembly to provide additional human resources for the biennium 1994-1995 (see E/CN.4/1995/113, para. 6) and urges the Secretary-General to provide to the General Assembly the information necessary to regularize these posts;

3. *Reiterates* the call by the General Assembly upon the Secretary-General to include in his submission for the proposed programme budget for the biennium 1996-1997 the necessary human and financial resources for the United Nations human rights activities, adequate to respond to the increase in mandated activities in order to enable the Centre and the High Commissioner to carry out in full and on time their respective mandates under the direction and authority of the Secretary-General and within the framework of the overall competence, authority, and decision of the General Assembly, the Economic and Social Council and the Commission on Human Rights;

4. *Requests* the Secretary-General to make available additional human and financial resources, giving due regard to the need to finance and implement activities of the United Nations related to development, to enhance the capability of the High Commissioner for Human Rights and of the Centre for Human Rights to fulfil effectively their respective mandates;

5. *Takes note with interest* of the announcement by the High Commissioner in his report (E/CN.4/1995/98), in accordance with his mandate, of an examination of the structures of the Secretariat of the United Nations dealing with human rights, particularly the Centre, and requests that the High Commissioner continue to keep Member States informed;

6. *Underlines* in this respect the importance of reflecting the outcome of this exercise in an update of the report of the Secretary-General on the staffing and functions of the Office of the High Commissioner for Human Rights and of the Centre for Human Rights (A/C.5/48/77) and in an organigram setting out the management structure, and of both being made available to the General Assembly for its consideration;

7. *Requests* the Secretary-General, in the context of his preparation of the proposed programme budget for the biennium 1996-1997, which will be considered by the General Assembly, to take into account the recommendations resulting from the review of the structures of the United Nations Secretariat

in the field of human rights, in particular the Centre for Human Rights, under the overall supervision of the High Commissioner for Human Rights;

8. Decides to consider the question of strengthening the Centre for Human Rights, including measures taken in furtherance of the present resolution, at its fifty-second session.

59th meeting
7 March 1995
[Adopted without a vote. See chap. XI.]

1995/65. Human rights violations on the Papua New Guinea island of Bougainville

The Commission on Human Rights,

Guided by the relevant provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken pursuant to the various international instruments in the field of human rights,

Taking into account resolution 1994/21 of 25 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/76 of 10 March 1993, and its resolution 1994/81 of 9 March 1994 in which it urged the Government of Papua New Guinea promptly to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to investigate the reports of human rights violations in the island of Bougainville, to enable them to report to the Commission at its fifty-first session,

Regretting that the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture were not able to visit the Papua New Guinea island of Bougainville,

Expressing its appreciation to the Governments of Fiji, Tonga and Vanuatu for contributing troops to the South Pacific Regional Peace-keeping Force in the Papua New Guinea island of Bougainville, and to the Governments of Australia and New Zealand for providing logistical, training and financial support for the operation,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1995/60), the report of the Representative of the Secretary-General (E/CN.4/1995/60/Add.1), the report that the number of human rights violations on Bougainville has substantially decreased since September 1994, as well as the response of the Government of Papua New Guinea to the Commission on Human Rights (E/CN.4/1995/60, sect. III) indicating all the peace processes embarked upon by all parties in Bougainville and the above-mentioned member States of the South Pacific Forum, which culminated in the "Mirigini Charter", signed on 25 November 1994;

Noting that the implementation of the "Mirigini Charter" will lead to the establishment of the Bougainville Transitional Government, which will pave the way for an active programme of consultations and negotiation on a political settlement within the framework of the Constitution of Papua New Guinea, including the maintaining of dialogue on all issues pertinent to the resolution of the crisis,

Concerned that most leaders of the Bougainville Revolutionary Army and the organization known as the Bougainville Interim Government did not participate in the Bougainville Peace Conference, held in October 1994, which provided the basis for discussions leading to the signing of the "Mirigini Charter",

Expressing the hope that the will shown by the member States of the South Pacific Forum, the Government of Papua New Guinea and all the parties to the armed conflict in Bougainville will lead to a speedy settlement of the crisis, thereby enhancing the protection and promotion of the human rights of all Bougainvillians,

Considering that it is necessary for the international community to continue to keep the human rights situation in the Papua New Guinea island of Bougainville under review with the aim of promoting full respect for human rights and supporting the efforts of the Government of Papua New Guinea to that end,

1. Expresses its gratitude to all parties to the conflict for their promise to guarantee a safe relief corridor and safe passage for the internally displaced persons;

2. Requests all the parties in Bougainville to implement the instrument of cease-fire annexed to the report of the Secretary-General;

3. Calls upon all parties to the conflict to adhere strictly to paragraph 10 of the instrument, which calls for the immediate lifting of the restrictions on the provision of medical and other humanitarian services to all areas of Bougainville;

4. Urges all parties to pursue an open and peaceful dialogue towards a total cessation of armed conflict and the restoration of peace, which is crucial to the full promotion of human rights;

5. Requests the Secretary-General to bring the present resolution to the attention of the Government of Papua New Guinea and all parties to the peace process;

6. Requests the Secretary-General to continue to lend his good offices to the peace process, and the Government of Papua New Guinea to invite the

relevant thematic rapporteurs and working groups to visit the Papua New Guinea island of Bougainville to monitor the peace process and to report on the situation of human rights;

7. Urges the Government of Papua New Guinea to extend its full cooperation to the Representative of the Secretary-General and to the relevant thematic rapporteurs and working groups to enable them to report to the Commission at its fifty-second session;

8. Decides to consider the situation of human rights on the Papua New Guinea island of Bougainville at its fifty-second session under the same agenda item.

59th meeting
7 March 1995
[Adopted without a vote. See chap. XII.]

1995/66. Situation of human rights in Cuba

The Commission on human rights,

Recalling its resolution 1994/71 of 9 March 1994 regarding the affirmation and extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 49/200 of 23 December 1994 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the continued failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1995/52),

Deeply concerned at information in the report of the Special Rapporteur on arbitrary arrests, beatings, imprisonment, harassment and threats, including loss of employment against human rights defenders and others who are engaged in the peaceful exercise of their rights,

Profoundly concerned at continued violations in Cuba of fundamental human rights and freedoms enumerated in the Universal Declaration of Human Rights, such as the freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

Endorsing the Special Rapporteur's view that, while positive, the Government of Cuba's decision to invite the High Commissioner for Human Rights to visit the country should be regarded as a point of departure for full cooperation by the Government of Cuba with all mechanisms of the Commission on Human Rights, including the Special Rapporteur,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Cuba (E/CN.4/1995/52);

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Regrets profoundly the numerous unanswered reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at prevailing intolerance for freedom of speech and assembly in Cuba;

5. Calls upon the Government of Cuba to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards, to end all violations of human rights as recommended by the Special Rapporteur, including in particular by permitting freedom of peaceful expression and assembly and by ending immediately the detention and imprisonment of human rights defenders and others, including those deemed to be "dangerous" and imprisoned without any regard for due process, in contravention of applicable human rights standards;

6. Extends the mandate of the Special Rapporteur for one year;

7. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of advisory services;

8. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

9. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention in the discharge of its mandate, continue giving attention to the situation in Cuba and visit Cuba;

10. Invites the Special Rapporteur and the existing mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

11. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

12. Requests the Special Rapporteur to carry out his mandate, bearing in mind, inter alia, the Universal Declaration of Human Rights, to submit an interim report to the General Assembly at its fiftieth session and to report to the Commission at its fifty-second session on the results of his endeavours pursuant to the present resolution.

59th meeting
7 March 1995
[Adopted by a roll-call vote of 22 votes to 8,
with 23 abstentions. See chap. XII.]

1995/67. Human rights situation in southern Lebanon and the western Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention IV of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Censuring the repeated Israeli aggression in southern Lebanon and the western Bekaa, which has caused a large number of deaths and injuries among civilians and the destruction of several dwellings and public buildings,

Reaffirming that the continued occupation by and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and the western Bekaa and that the peace negotiations will continue with a view to arriving at a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the fact that the International Committee of the Red Cross and other humanitarian organizations are being prevented from accomplishing their humanitarian mission in the occupied area of southern

Lebanon and the western Bekaa, in particular from verifying the veracity of reports of ill-treatment of detainees in the detention centres of Khiyam and Marjayoun,

Reaffirming its resolution 1993/67 of 10 March 1993, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violation of human rights in the occupied zone in southern Lebanon and the western Bekaa, demonstrated in particular by the kidnapping and the arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombing of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an end immediately to such practices manifested recently by the escalation of air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982 calling for the immediate, total and unconditional withdrawal of Israel from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the western Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the western Bekaa, to release immediately all the Lebanese kidnapped and detained and other prisoners detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and other provisions of international law;

5. Calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the western Bekaa, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region and, in particular, to allow these organizations to visit the detention centres of Khiyam and Marjayoun and to verify there the living conditions of the detainees;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon at its fifty-second session.

59th meeting
7 March 1995
[Adopted by a roll-call vote of 48 votes to 1, with 4 abstentions. See chap. XII.]

1995/68. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1 which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling in particular its resolution 1984/54 of 14 March 1984, in which the Commission requested its Chairman to appoint a special representative to make a thorough study of the human rights situation in the Islamic Republic of Iran, based on such information as the Special Representative might deem relevant, including comments and material provided by the Government of the Islamic Republic of Iran,

Recalling also its relevant resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including its resolution 1994/73 of 9 March 1994, as well as those of the General Assembly, including the most recent resolution, 49/202 of 23 December 1994, and of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent resolution, 1994/16 of 25 August 1994,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country but has not allowed him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation,

Regretting that the Government of the Islamic Republic of Iran has not permitted the Special Representative to visit the country and that, despite the formal cooperation extended to the Special Representative by the Government of the Islamic Republic of Iran, such cooperation needs to be improved,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

1. Takes note with appreciation of the report of the Special Representative of the Commission and the observations contained therein (E/CN.4/1995/55);

2. Expresses its deep concern at continued violations of human rights in the Islamic Republic of Iran, including those highlighted by the Special Representative in his report, namely the continued high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to meet international standards with regard to the administration of justice, the absence of guarantees of due process of law, the discriminatory treatment of minorities by reason of their religious beliefs, notably the Baha'ís, whose existence as a viable religious community in the Islamic Republic of Iran is threatened, lack of adequate protection for the Christian minorities, some of which have been the target of intimidation and assassinations, restrictions on the freedoms of expression, including the use of excessive force in suppressing demonstrations, thought, opinion and the press, and continued widespread discrimination against women;

3. Expresses its grave concern at the continued widespread use of the death penalty in the Islamic Republic of Iran, especially where its use is in violation of the relevant provisions of the International Covenant on Civil and Political Rights;

4. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which have the support of the Government of the Islamic Republic of Iran;

5. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad and to cooperate fully with the authorities of other countries investigating and punishing offences reported by them;

6. Also urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

7. Further urges the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular with regard to the administration of justice and due process of law, and, in fulfilment of its obligations under article 27 of the International Covenant on Civil and Political Rights, to take steps to ensure the recognition and enjoyment of human rights of persons belonging to minorities;

8. Urges the Government of the Islamic Republic of Iran to carry out thorough, careful and impartial investigations into the assassination cases of the three Christian ministers mentioned in the report of the Special Representative;

9. Calls upon the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

10. Also calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative, including by allowing him to make another visit to the country;

11. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

12. Requests the Special Representative to submit an interim report to the General Assembly at its fiftieth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'ís, and to report to the Commission at its fifty-second session;

13. Requests the Secretary-General to give all necessary assistance to the Special Representative;

14. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, as a matter of priority, at its fifty-second session.

60th meeting
8 March 1995
[Adopted by a roll-call vote of 28 votes to 8,
with 17 abstentions. See chap. XII.]

1995/69. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, *Recalling* that, under Articles 55 and 56 of the Charter of the United Nations, all Member States of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Bearing in mind its resolution 1994/87 of 9 March 1994,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the report of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1995/67) and the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36),

Recognizing that some progress has been achieved by the Government of Zaire with respect to human rights,

Concerned, however, at the persistent seriousness of the situation of human rights in Zaire, in particular at arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, notably those which are administered by the army and security services, serious shortcomings in the administration of justice, which is unable to function independently, the impunity of human rights violators, and forced population displacements,

Seriously concerned in this connection by persistent acts of intimidation and harassment directed at persons belonging to ethnic minorities in the province of Shaba,

Also seriously concerned at the worsening of ethnic confrontations in Kivu, following the arrival of new Rwandese refugees,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups in the population, the greater part of which cannot satisfy essential needs,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations,

Greatly concerned about the serious obstacles which still stand in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms, so that the transition period can come to an end in conformity with the Constitutional Act of Transition, after free and multi-party elections,

1. *Takes note with appreciation* of the report of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1995/67) and assures the Special Rapporteur of its full support for the work undertaken by him within the framework of his mandate;

2. *Deplores* the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and solitary confinement, inhuman and degrading prison conditions, especially in the detention centres administered by the army and security services, enforced disappearances, and denial of the right to a fair trial;

3. *Notes with concern* that the army and the security forces continue to use force against civilians and to enjoy great impunity;

4. *Urges* that the persons responsible for intimidation measures and reprisals, in particular against prominent political figures and against journalists, be prosecuted;

5. *Condemns* all discriminatory measures affecting persons belonging to minority groups;

6. *Expresses appreciation* of the cooperation of the Government of Zaire with the Special Rapporteur in the discharge of his mission, while regretting that he did not receive any answer to his requests for information on certain alleged cases of human rights violations;

7. *Encourages* the Government of Zaire to renew its efforts so that acts of violence against persons originating from Kasai do not occur any more in the province of Shaba and to combat the impunity of the persons responsible for these acts;

8. *Recalls* the agreements reached between the Government of Zaire and the Office of the High Commissioner for Refugees aimed at assuring order and security in the Rwandese refugee camps in Zaire and the voluntary repatriation of these refugees to their country of origin;

9. *Calls*, in particular with a view to the holding of elections with universal suffrage, for continued and broadened efforts to assure full respect for the right to freedom of opinion and expression, in particular for all mass media, as well as freedom of association, assembly and peaceful demonstration;

10. *Calls upon* the Government of Zaire to take all necessary measures with a view to reinforcing the judiciary and its independence;

11. *Welcomes* the liberation of political prisoners by the Government of Zaire;

12. Urges strongly that all Zairian political forces respect the peaceful aspect of the democratic transition so that it be completed through the organization of free elections, taking into account the prerequisites set forth in the Constitutional Act of Transition;

13. Invites the High Commissioner for Human Rights to consider, within existing resources, the recommendation by the Special Rapporteur to send, in consultation with the Government of Zaire, two experts in the field of human rights to Kinshasa, where they would establish themselves in order to monitor the situation of human rights and to give advice to the governmental authorities, as well as to non-governmental organizations;

14. Decides to extend the mandate of the Special Rapporteur for an additional year;

15. Requests the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

16. Also requests the Special Rapporteur to prepare for its fifty-second session a report in which he will, *inter alia*, indicate how the Government of Zaire has taken into account his recommendations;

17. Decides to consider the question again at its fifty-second session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", drawing on the reports of the Special Rapporteur and the thematic special rapporteurs and working groups of the Commission on Human Rights.

60th meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/70. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling its resolution 1994/80 of 9 March 1994,

Having in mind the report (E/CN.4/1995/59) of the Special Rapporteur, Mr. Marco Tulio Bruni Celli, appointed by the Chairman of the Commission at its forty-eighth session, *Recalling* General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A of 24 November 1992, 47/143 of 18 December 1992, 48/27 of 6 December, 48/151 of 20 December and 49/201 of 23 December 1994,

Gratified by the re-establishment of constitutional order and the return to his country of Mr. Jean-Bertrand Aristide, the constitutionally elected President,

Condemning again the cruel and systematic violations of human rights experienced by the Haitian people under the de facto regime,

Recognizing the efforts made by the international community, through the Secretary-General of the United Nations, the Secretary-General of the Organization of American States and the former Special Envoy, to re-establish the democratic institutions in Haiti,

Welcoming with satisfaction the appointment of the new Special Representative of the Secretary-General of the United Nations for Haiti,

Expressing its satisfaction at the return to Haiti of the United Nations/OAS International Civilian Mission of Observers, appointed to monitor and promote respect for human rights and to help to strengthen institutions, in particular those connected with human rights,

Taking note of the presence of the United Nations Mission in Haiti in that country,

Concerned at the possibility that certain abuses in the area of human rights committed during the de facto military regime may remain unpunished,

Welcoming with satisfaction the decision of the Government to appoint a commission on truth and justice,

Aware of the fact that the present phase of the situation in Haiti is only the beginning of a process which must be accompanied by institutional and legal reforms needed to ensure promotion of, respect for and defence of human rights, and particularly the strengthening of the judicial system and of the penal system,

Taking note of the fact that, although the situation in Haiti has begun to become normalized thanks to the initiation of a policy of reduction and modernization of the armed forces, abolition of paramilitary groups and disarmament, some incidents of abuse of human rights continue to occur,

Conscious of the fact that the international community must follow closely the development of the situation in Haiti and particularly the situation of human rights and fundamental freedoms,

1. *Expresses its satisfaction* at the return of President Jean-Bertrand Aristide on 15 October 1994, at the re-establishment of constitutional order and at the strong support given by President Aristide to national reconciliation and to efforts to end violence;

2. Condemns the violations of human rights that took place during the de facto regime;

3. Recognizes the efforts initiated by the Haitian authorities to promote democratization and urges those authorities to pursue their objective of establishing and developing institutions for the promotion and protection of human rights and fundamental freedoms, in accordance with the international instruments in this area;

4. Welcomes the action taken by the International Civilian Mission to Haiti to protect and promote human rights and strengthen democratic institutions in Haiti and, in particular, its support for the holding of legislative elections on 4 and 25 June next, elections which are essential for such strengthening;

5. Expresses its satisfaction at the decision of the Haitian authorities to establish a commission on truth and justice;

6. Calls upon the Government of Haiti to take the legal and political measures that are necessary for improvement of the administration of justice and of the prison system;

7. Urges the Haitian authorities to implement the recommendations of the Special Rapporteur, particularly updating of civil and criminal legislation, complete separation of the police from the armed forces, establishment of a civilian police force and separation of and mutual respect for the various powers of the State;

8. Also urges the Government of Haiti to create favourable conditions for the execution of programmes for the reconstruction and development of Haiti and calls on the international community to give its fullest cooperation to that end, through the implementation of international programmes of assistance;

9. Takes note with appreciation of the report submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Haiti (E/CN.4/1995/59), and of its conclusions and recommendations;

10. Requests the Secretary-General to appoint an independent expert to furnish assistance to the Government of Haiti in the area of human rights, to examine the development of the situation of human rights in Haiti and to monitor the fulfilment by Haiti of its obligations in this field;

11. Requests the Independent Expert to submit a report on the implementation of the present resolution to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session;

12. Requests the Secretary-General to provide, at the request of the Government of Haiti, advisory services to that country in the area of human rights;

13. Decides to consider the question at its fifty-second session under the agenda item entitled "Advisory services in the field of human rights".

60th meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/71. Situation of human rights in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1994/89 of 9 March 1994,

Guided by the principles embodied in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that, since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, while progress has been observed in the human rights situation,

Taking note with satisfaction of the fact that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women,

Mindful that it is essential that all the political tendencies and political parties should play an active part in political and social life, in order to ensure the effective transition to a democratic and pluralistic society,

Taking note with satisfaction of the fact that, in June 1994, the Government of Equatorial Guinea took steps to grant pardon and amnesty to a number of prisoners, as requested by the Special Rapporteur on his visit to Equatorial Guinea on 11 May 1994,

Taking note of the report of the Special Rapporteur (E/CN.4/1995/68), in which it is pointed out that even though progress has been made in the human rights situation in Equatorial Guinea, serious violations of human rights continue to take place,

Aware that it is essential to ensure full observance of human rights and fundamental freedoms in Equatorial Guinea,

1. *Expresses its thanks* to the Special Rapporteur for his report;

2. *Calls upon* the Government of Equatorial Guinea to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea;

3. *Also calls upon* the Government of Equatorial Guinea to implement all the measures necessary to fulfil the obligations deriving from the International Bill of Human Rights and other relevant international instruments, with a view to furthering democracy, the rule of law and the observance of human rights and fundamental freedoms in Equatorial Guinea;

4. *Encourages* the Government of Equatorial Guinea to continue the dialogue with all the political forces with a view to achieving consensus on the democratization of the country;

5. *Also encourages* the Government of Equatorial Guinea to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, social and cultural affairs;

6. *Calls upon* the Government of Equatorial Guinea to continue improving the conditions of prisoners and detainees;

7. *Also calls upon* the Government of Equatorial Guinea to continue taking the measures necessary to put a complete stop to the practice of arbitrary arrest and detention, torture and cruel, inhuman or degrading treatment and to ensure that those responsible are investigated and punished;

8. *Encourages* the Government of Equatorial Guinea to extend and amplify the improvement in human rights, along the lines laid down in Commission on Human Rights resolution 1994/89;

9. *Appeals to* the Government of Equatorial Guinea to take the measures necessary to improve the legal and social situation of women in that country;

10. *Invites* the Government of Equatorial Guinea to consider ratifying or acceding to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

11. *Requests* the Secretary-General to provide the Government of Equatorial Guinea with the technical assistance suggested by the Special Rapporteur in his report;

12. *Decides* to renew the mandate of the Special Rapporteur for one year;

13. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

14. *Requests* the Special Rapporteur to report to the Commission at its fifty-second session;

15. Decides to consider the question at its fifty-second session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

60th meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/72. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deploring that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, a Nobel Peace Prize winner, is still under house arrest, which has recently been extended, and, while acknowledging the recent release of a substantial number of political prisoners, noting with dismay that in many cases their release was on condition that they not resume political activity,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 for the protection of war victims, the concluding of cease-fire agreements with ethnic groups, the withdrawal of several reservations it had entered concerning the Convention on the Rights of the Child and the freeing of a certain number of political prisoners, in response to the concerns repeatedly expressed by the international community,

Gravely concerned by the recent offensive against the Karen National Union, Burmese student activists and other groups of the political opposition, and by the resulting exodus of refugees into Thailand, Commending the Government of Thailand for its humanitarian action in receiving the refugees fleeing from the fighting, and encouraging the Government of Thailand to work closely with the Office of the United Nations High Commissioner for Refugees,

Gravely concerned at the violations of human rights in Myanmar, which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, in particular, at ethnic and religious minority groups,

Noting that many violations directly affect women, in particular women belonging to minorities, who have suffered ill-treatment, especially at the hands of the military, as stated by the Special Rapporteur,

Noting also that these violations have resulted in flows of refugees towards neighbouring countries,

Commending, however, the existing cooperation between the Government of Myanmar and the United Nations High Commissioner for Refugees on the free and voluntary repatriation of refugees located in Bangladesh, and their rehabilitation and reintegration, and encouraging the Government of Myanmar to pursue this cooperation,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1995/31 and Add.1-2), the Special Rapporteur on the question of religious intolerance (E/CN.4/1995/91) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling also its resolution 1994/85 of 9 March 1994,

Taking note of General Assembly resolution 49/197 of 23 December 1994,

Noting that the Special Rapporteur visited Myanmar in November 1994 at the invitation of the Government of Myanmar,

Deploring, however, that in spite of resolution 1993/73 requesting the Myanmar authorities to extend their full and unreserved cooperation to the Special Rapporteur, he has been denied access to Daw Aung San Suu Kyi, _Taking note_ of the request by the General Assembly to the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of Assembly resolution 49/197 of 23 December 1994, as well as in efforts by the Government to achieve national reconciliation,

Welcoming the discussions held to date between the representatives of the Government of Myanmar and the representatives of the Secretary-General,

Regretting that the representatives of the Secretary-General have not been given access to Daw Aung San Suu Kyi,

Reaffirming that Daw Aung San Suu Kyi, a Nobel Peace Prize winner, must be released immediately and unconditionally along with all other persons detained for political reasons,

1. _Expresses its thanks_ to the Special Rapporteur for his report (E/CN.4/1995/65 and Corr.1) and the conclusions and recommendations contained therein;

2. _Expresses its appreciation_ to the Secretary-General for his report on his mission of good offices in Myanmar (E/CN.4/1995/150);

3. _Deplores_ the continuing serious violations of human rights in Myanmar and, in particular, the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

4. _Strongly urges_ the Government of Myanmar to release immediately and unconditionally the Nobel Peace Prize winner Daw Aung San Suu Kyi, detained without trial for more than five years, as well as other detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

5. _Commends_ the recent meetings between Myanmar government representatives and the Nobel Peace Prize winner, Daw Aung San Suu Kyi, and urges the Government of Myanmar to open a substantial political dialogue with her and with other political leaders, including representatives of ethnic groups, as the best means to arrive at national reconciliation and the complete and rapid installation of democracy;

6. _Deplores_, in consequence, the military offensive carried out by the Government of Myanmar against the Karen National Union, Burmese student activists, and other groups of the political opposition, which is incompatible with the Government's declared policy of national reconciliation;

7. _Welcomes_ the recent discussions between the representatives of the Government of Myanmar and the Secretary-General, and encourages the Government to continue to cooperate with the Secretary-General,

8. _Again urges_ the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to guarantee

democracy in full accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that all political parties may freely exercise their activities;

9. Notes with concern that most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who are unable to meet or distribute their literature, that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State and that no timetable as yet exists for the completion of the work of the National Convention, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

10. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically-elected representatives, lifting restraining orders placed on a number of political leaders, releasing those who are detained and ensuring that all political parties can function freely;

11. Strongly urges the Government of Myanmar to guarantee full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, in particular against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and the integrity of the human being, to the practice of torture, abuse of women and forced labour, to enforced displacements of the population and to enforced disappearances and summary executions;

12. Reminds the Government of Myanmar of its obligations to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, prosecute them and punish those found guilty, in all circumstances;

13. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention, and persons condemned in particular for seeking to meet with the Special Rapporteur;

14. Welcomes the recent release of a certain number of political prisoners, but at the same time deeply regrets that many political leaders are still deprived of their freedom and their fundamental rights;

15. Calls upon the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the

International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

16. Appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention 1948 (No. 87) of the International Labour Organisation;

17. Encourages the Government of Myanmar to continue to lift the remaining emergency measures;

18. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

19. Encourages the Government of Myanmar to create the necessary conditions to facilitate the voluntary repatriation of refugees and their full reintegration, in conditions of safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

20. Invites the Government of Myanmar to respect fully its obligations under the Geneva Conventions of 12 August 1949, and to avail itself of such services as may be offered by impartial humanitarian bodies;

21. Stresses that it is important for the Government of Myanmar to give particular attention to prison conditions in the country's jail and to allow international humanitarian organizations to communicate freely and confidentially with prisoners;

22. Welcomes the first measures taken by the Government of Myanmar to provide for the training of military personnel in international humanitarian law, and requests it to intensify its efforts in that regard and to extend them to police and prison personnel;

23. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session;

24. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

25. Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur effectively has free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

26. Encourages the Secretary-General, in the discharge of his good offices mandate, to continue his discussions with the Government of Myanmar in order to assist in the implementation of General Assembly resolution 49/197, as well as in its efforts for national reconciliation and towards the resumption of democracy;

27. Decides to keep the matter under review at its fifty-second session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories";

28. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 25]

60th meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/73. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling, the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is 49/191 of 23 December 1994,

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, *Dismayed* that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his reports (E/CN.4/1995/61 and Add.1 and E/CN.4/1995/111) and his methods of work, including following up on communications and country visits,

Expressing deep concern at the scarce resources, both human and material, put at the disposal of the Special Rapporteur for the implementation of his mandate, bearing in mind his increasing workload and the persistence of extrajudicial, summary or arbitrary executions in all parts of the world,

Taking into account General Assembly resolution 49/181 of 23 December 1994,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. *Takes note with appreciation* of the reports of the Special Rapporteur (E/CN.4/1995/61 and Add.1 and E/CN.4/1995/111), stresses his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions worldwide, and notes the valuable recommendations made after his visits to particular countries;

5. *Requests* the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

6. Urges the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

7. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

8. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed conflicts and to grant special protection to persons who find themselves in particularly vulnerable situations during such events;

9. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

10. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

11. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

12. Expresses its concern that a number of Governments, mentioned in the report of the Special Rapporteur (E/CN.4/1995/61, para. 363), have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

13. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

14. Requests the Secretary-General to provide the Special Rapporteur, from within existing resources and as a matter of priority, with additional human, financial and material resources, keeping in mind the comments on this matter in the report of the Special Rapporteur (E/CN.4/1995/61, paras. 369-371), in order to enable him to carry out his mandate effectively, including through country visits;

15. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

16. Further requests the Secretary-General to continue, in close collaboration with the High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

17. Decides that the mandate of the Special Rapporteur should be extended for three years;

18. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-second session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories";

19. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 26]

60th meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/74. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted international humanitarian law,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Recalling also all its relevant resolutions, as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Recalling in particular its resolution 1994/84 of 9 March 1994, in which it decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-ninth session, and Economic and Social Council decision 1994/268 of 25 July 1994, in which the Council approved the Commission's decision,

Concerned that armed confrontation in certain parts of the territory of Afghanistan, and in particular in Kabul, has intensified in 1994, thus causing a decrease in the repatriation of refugees and a rise in the number of internally displaced persons, with a further deterioration in the situation of human rights in parts of the country,

Concerned in particular that a unified judicial system cannot be established throughout the country under the prevailing circumstances,

Acknowledging the presence of more than 2 million refugees in neighbouring countries, and recognizing the urgent need to sustain the financial efforts for their assistance, pending their voluntary repatriation, Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the rights to life, to liberty and security of person and to freedom of opinion, expression and association, and of violations of human rights specific to or primarily directed against women by warring factions in Afghanistan,

Noting with deep concern that the civilian population is still the target of indiscriminate military attacks, food blockades and acts of reprisal and violence,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Aware that peace and security in Afghanistan are prerequisites for the full restoration of all human rights and fundamental freedoms, the voluntary return of the Afghan refugees to their homeland in safety and dignity, the clearance of the mines that have been laid in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan, and expressing the hope of an early resumption of the repatriation of the Afghan refugees,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1995/64) and of the conclusions and recommendations contained therein,

Noting with satisfaction that the Special Rapporteur was able to visit Kabul,

Expressing deep sorrow at the death of the Special Rapporteur, Mr. Felix Ermacora, in Vienna on 24 February 1995, and praising his life-long dedication to the furtherance of human rights,

1. Welcomes the cooperation that the governmental and local authorities in Afghanistan and the Government of Pakistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan;

2. Also welcomes the cooperation that the Afghan authorities have extended to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to intensify efforts aimed at achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic government elected through free and fair elections based on the right to self-determination of the people of Afghanistan;

4. Calls upon all the Afghan parties to work with the United Nations special mission to Afghanistan, established in pursuance of General Assembly resolution 48/208 of 21 December 1993, with a view to achieving a comprehensive solution to the crisis in Afghanistan, and invites the special mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all the Afghan parties to respect human rights;

6. Urges all the Afghan parties fully to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population and to protect all civilians;

7. Calls for the unconditional and simultaneous release of all prisoners of war wherever they may be held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as the result of the war;

8. Calls upon the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees in a strictly non-discriminatory manner, to reduce the period during which prisoners await trial, to treat all prisoners in accordance with the Standard Minimum Rules for the Treatment of Prisoners, and to apply to all suspected or convicted persons the provisions of the International Covenant on Civil and Political Rights;

9. Calls for the abolition of prisons run by political parties and armed groups;

10. Invites Member States and the international community to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries pending their voluntary repatriation in accordance with relevant international instruments, in particular through a positive response to the appeal of the United Nations Secretary-General for financial support to the rehabilitation of Afghanistan, including support for activities such as mine detection and clearance and repatriation projects undertaken by the Office of the United Nations High Commissioner for Refugees, the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and other United Nations agencies or non-governmental humanitarian organizations;

11. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave human rights violations, including torture, rape and other ill-treatment as reported by the Special Rapporteur, and to bring the perpetrators to trial in accordance with internationally accepted standards;

12. Calls upon all the Afghan parties to ensure respect for the human rights and fundamental freedoms of women in accordance with international human rights instruments, and upon the Afghan authorities to take effective measures to ensure participation of women in the social, political and cultural life of the country;

13. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of all the personnel of humanitarian organizations and representatives of the media in Afghanistan;

14. Invites the United Nations to offer, upon request and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

15. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means of restoring the Afghan system of education and cultural heritage and in particular of restoring museums in the country;

16. Urges the Afghan authorities to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

17. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

18. Recommends the translation, within existing financial resources, of the report of the Special Rapporteur into the Dari and Pashtu languages;

19. Decides to extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-second session and to consider submitting a report to the General Assembly at its fiftieth session;

20. Also decides to continue its consideration of the human rights situation in Afghanistan, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

60th meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/75. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993 and 1994/70 of 9 March 1994, and taking note of the report of the Secretary-General on this question (E/CN.4/1995/53),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-second session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-second session.

60th meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/76. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1, which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq, Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including resolution 1992/71 of 5 March 1992, in which it requested the Special Rapporteur to continue to pursue his mandate and to visit again the northern area of Iraq in particular, as well as resolution 1994/74 of 9 March 1994, in which it extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its forty-ninth session and a final report to the Commission at its fifty-first session,

Recalling the pertinent resolutions of the General Assembly, in particular resolution 49/203 of 23 December 1994, in which the Assembly, deeply concerned at the deterioration of the overall human rights situation in Iraq, decided to continue its consideration of the situation of human rights in Iraq at its fiftieth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, the enactment and implementation of decrees prescribing cruel and unusual punishments, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process, non-respect of the law, and the suppression of freedom of thought, of expression and of association, as well as the existence of specific and serious discrimination within the country in terms of access to food products and health care,

Deeply concerned also at the forced displacement of hundreds of thousands of Iraqi civilians and at the destruction of Iraqi towns and villages, as well as at the fact that tens of thousands of Iraqi Kurds have had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further at the particularly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the marsh area, notably the pursuit of military operations and massive drainage projects, which have provoked a deterioration of the situation of the civilian population and have forced thousands of persons to seek refuge in the Islamic Republic of Iran, along the border with Iraq,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq, that there is now little in the way of even formal cooperation extended to the Special Rapporteur by the Government of Iraq, and in particular that full replies have still not been given to the many questions the Special Rapporteur has put to the Government of Iraq in previous years,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcoming the Special Rapporteur's repeated proposals for the deployment of a team of human rights monitors and for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1995/56) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq and extrajudicial killings, including political killings;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of recent decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the abuse and diversion of medical care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, including of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, expression and association and violations of property rights;

(f) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic and social rights of the population;

3. Calls upon the Government of Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing detailed information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period, as well as on the location of their graves, and also calls in particular upon the Government of Iraq:

(a) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(b) To improve substantially its cooperation with international humanitarian organizations in an effort to resolve the cases of disappeared Kuwaitis and nationals of other States;

(c) To pay appropriate compensation to the families of persons who died while in the custody of Iraqi authorities or for whom the Government of Iraq is responsible and has so far failed to account, through the mechanism established by Security Council resolution 692 (1991) of 20 May 1991;

4. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

5. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

6. Urges the Government of Iraq to release immediately all persons arbitrarily arrested and detained, to form an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

7. Also urges the Government of Iraq to take immediate steps to bring the action of its security apparatus into line with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

8. Demands that the Government of Iraq:

(a) In fulfilment of its obligation pursuant to article 27 of the International Covenant on Civil and Political Rights, take steps to ensure the recognition and enjoyment of human rights of persons belonging to minorities;

(b) Immediately abrogate decrees prescribing cruel and unusual punishments;

(c) Immediately cease its repressive practices aimed at the Iraqi Kurds, cooperate in the identification of minefields existing in the northern Kurdish region with a view to facilitating their marking and eventual clearing, and cooperate with international aid agencies in the provision of humanitarian assistance to this region;

9. Urges the Government of Iraq to implement without further delay the recommendations made by the Special Rapporteur concerning the southern marsh area and its population, in particular to halt and to reverse the draining of the marshes and to receive a mission of recognized international experts to determine the effects on the population and the environment of these drainage projects;

10. Again expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon

Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

11. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to take the necessary measures in order to send a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

13. Decides to extend for a further year the mandate of the Special Rapporteur, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993 and 1994/74 of 9 March 1994;

14. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, in particular during his next visit to Iraq;

15. Requests the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fiftieth session and a report to the Commission at its fifty-second session;

16. Requests the Secretary-General to provide appropriate additional resources, from within existing overall United Nation resources, to fund the sending of human rights monitors;

17. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fifty-second session.

60th meeting
8 March 1995

[Adopted by a roll-call vote of 31 votes to 1,
with 21 abstentions. See chap. XII.]

1995/77. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held in Dakar from 29 June to 1 July 1992, and recalling the Addis Ababa agreement of July 1990,

Recalling also General Assembly resolution 49/198 of 23 December 1994 on the situation of human rights in the Sudan and its own resolution 1994/79 of 9 March 1994, also on the situation of human rights in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, recent reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of religious intolerance,

Noting also with concern the latest reports of the Special Rapporteur on the situation of human rights in the Sudan to the General Assembly (A/49/539, annex) and to the Commission (E/CN.4/1995/58),

Deeply concerned about continuing human rights violations by all parties engaged in the conflict in the Sudan,

Greatly disturbed by credible reports that government and military forces have attacked civilians awaiting food relief trains,

Deeply concerned about continued reports of indiscriminate bombing of civilian targets, including camps for displaced persons, in southern Sudan,

Deeply concerned that the judiciary is subject to gross interference by the Government and that lawyers representing persons in cases brought by the Government have been subject to harassment,

Deeply concerned that access by the civilian population to humanitarian assistance, despite some improvements, continues to be impeded, violating international humanitarian law and representing a threat to human life that constitutes an offence to human dignity,

Concerned that, as reported by the Special Rapporteur, the phenomena of slavery and practices associated with slavery continue to exist in the Sudan,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, including women, children and members of minorities, who have been forcibly displaced in violation of their human rights and who are in need of relief, assistance and protection,

Concerned about the passivity or collusion of the Government in the face of activities, especially affecting displaced families from the south, that include the sale and trafficking of children, their abduction and forced internment at undisclosed locations, ideological indoctrination or cruel, inhuman and degrading punishments,

Alarmed by the continued exodus of refugees into neighbouring countries, conscious of the burden that this places on those countries, and expressing its appreciation of the efforts of host countries and of the international community to assist the refugees,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices as reported by the Special Rapporteur in his latest reports, including civil and judicial discrimination against women,

Disturbed by the continuing failure of the Government to provide for a full impartial investigation of the killing of Sudanese nationals employed by foreign government relief organizations, despite past announcements by the Government of the Sudan of its intention to convene an independent judicial inquiry commission,

Recognizing the fact that the Sudan has been hosting large numbers of refugees from several neighbouring countries over the past three decades,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

1. Expresses its thanks to the Special Rapporteur for his most recent report (E/CN.4/1995/58), and expresses its support for his work;

2. Expresses its deep concern at continued serious human rights violations in the Sudan, including summary executions, extrajudicial killings, arbitrary arrests, detentions without due process, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture;

3. Expresses its outrage at the use of military force by all parties to the conflict to disrupt or attack relief efforts aimed at assisting civilian populations, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

4. Emphasizes that it is essential to put an end to the serious violations of human rights in the Sudan;

5. Urges the Government of the Sudan fully to respect human rights, and calls upon all parties to cooperate in order to ensure such respect;

6. Deplores the fact that, following its interference with the Special Rapporteur's visit in 1993, the Government of the Sudan has persisted in its refusal to cooperate with the Special Rapporteur in his efforts to carry out his mandate in full, in particular by denying him the right to visit the Sudan;

7. Calls upon the Government of the Sudan to allow members of the judiciary and other legal institutions to exercise their appropriate functions free from government restrictions and interference;

8. Urges the Government of the Sudan to release all political detainees and prisoners, cease all acts of torture and cruel, inhuman or degrading punishment and close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in the custody of ordinary police or prison authorities where family members and lawyers can visit them and that such persons receive just and fair trials under internationally recognized standards;

9. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

10. Urges the Government of the Sudan to terminate policies or activities which support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds, or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment;

11. Calls upon the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, and welcomes activities by any local or women's groups towards that end, as reported by the Special Rapporteur;

12. Notes with appreciation the current regional effort of the heads of State of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

13. Urges all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of the heads of State of the Intergovernmental Authority on Drought and Development;

14. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable resolution of the civil conflict and to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

15. _Also calls upon_ parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including land mines, against the civilian population, and to protect all civilians, including women, children and members of minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary execution;

16. _Calls upon_ the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets;

17. _Calls once more upon_ the Government of the Sudan to ensure a full and thorough investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

18. _Calls again upon_ the Government of the Sudan and all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver humanitarian assistance to all persons in need;

19. _Decides_ to extend the mandate of the Special Rapporteur for an additional year;

20. _Requests_ the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

21. _Calls upon_ the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the ongoing discharge of his mandate and, to that end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan whom he wishes to meet, with no threats or reprisals;

22. _Recommends_ that the Special Rapporteur begin consultations with the Secretary-General on modalities leading to the placement of monitors in such locations as would facilitate improved information flow and assessment and would help the independent verification of reports on the situation of human rights in the Sudan;

23. _Requests_ the Special Rapporteur to report his findings and recommendations to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session;

24. _Decides_ to continue its consideration of this question as a matter of priority at its fifty-second session.

61st meeting
8 March 1995
[Adopted by a roll-call vote of 33 votes to 7,
with 10 abstentions. See chap. XII.]

1995/78. Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication

The Commission on Human Rights,

Reaffirming the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights held in Vienna from 14 to 25 June 1993, which required effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for its implementation, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which established a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography,

Recalling its resolution 1992/74 of 5 March 1992, in which it adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling also its resolutions 1992/76 of 5 March 1992, 1993/82 of 10 March 1993 and 1994/90 of 9 March 1994,

Deeply concerned at the situation of children subject to the yoke of sale and child prostitution, sexual abuses and other forms of exploitation,

Taking into account the relevant information on the generalization and different forms of exploitation of child labour, such as the use of children for illegal purposes, including drug trafficking,

Dismayed by the persistence of the sale of children and related practices entailing disappearances, fraudulent adoptions, abandonment and abductions for commercial purposes,

Recognizing the existence of a market, which encourages the increase of such criminal practices against children,

Bearing in mind the different causes that influence the emergence and persistence of this special circumstance, including poverty, unemployment, hunger, natural disasters, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child and the maintenance of family unity,

Aware of the need to increase international cooperation to eliminate the causes of these evils,

Considering that it is necessary to deploy greater efforts at the national and international levels to promote and protect all the rights of the child everywhere in the world,

Recognizing the need for a continued exchange of information between the various mechanisms and bodies entrusted with the task of preventing and eradicating all practices relating to the sale of children, child prostitution and child pornography,

Recalling the conventions and recommendations of the International Labour Organization related to this question,

Having considered the report of the open-ended inter-sessional working group responsible for elaborating the guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication (E/CN.4/1995/95),

Recognizing that there is a need for adopting urgent measures for the prevention and eradication of practices related to the sale of children, child prostitution and child pornography,

1. *Expresses deep concern* at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children, child prostitution and child pornography;

2. *Urges* all Governments to seek solutions, as well as ways and means to enhance and ensure international cooperation to eradicate such aberrant practices;

3. *Also urges* all States to adopt the necessary administrative and legislative measures to eradicate more effectively the practices of the sale of children, child prostitution and child pornography;

4. *Recommends* that all States adopt the necessary measures to eliminate the existing market, which encourages the increase of such criminal practices;

5. *Reaffirms* the essential value of the Convention on the Rights of the Child and of its effective implementation system at the national and international levels as an essential means to prevent and combat situations of sale of children, child prostitution and child pornography;

6. *Recognizes* the important role that the specialized agencies, the non-governmental organizations and the community at large can play in order to

ensure greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including dissemination of information and teaching of the rights of the child;

7. Recalls in this framework the essential importance of ensuring the effective implementation of the Programmes of Action adopted by the Commission on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and for the Elimination of Child Labour in its resolutions 1992/74 of 5 March 1992 and 1993/79 of 10 March 1993 respectively;

8. Encourages Governments and national and international educational organizations, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

9. Reaffirms the need to strengthen and ensure the effective implementation of the Convention on the Rights of the Child, as well as to provide appropriate remedies in favour of the rights of the child;

10. Encourages the establishment of bodies and institutions, both governmental and non-governmental, which carry out activities in favour of children in the light of children's best interests;

11. Decides that the open-ended inter-sessional working group of the Commission on Human Rights for the elaboration of guidelines on a possible optional protocol on the sale of children, child prostitution and child pornography, shall elaborate, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, and on the basis of the guidelines contained in annex I of the report (E/CN.4/1995/95) of the working group, a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

12. Requests the Secretary-General to invite Governments, intergovernmental organizations, the Special Rapporteur, the Committee on the Rights of the Child and non-governmental organizations to contribute to the elaboration of a draft optional protocol on the sale of children, child prostitution and child pornography by sending comments on the guidelines contained in annex I of the report, for consideration by the working group, and to circulate these comments to Governments in advance of the meeting of the working group;

13. Requests the working group to meet between sessions for a period of two weeks before the fifty-second session of the Commission;

14. Requests the Secretary-General to provide the working group with all the necessary assistance for the meeting to be held;

15. Invites the Special Rapporteur and a representative of the Committee on the Rights of the Child to attend the next meeting of the working

group, and in this regard requests the Secretary-General to provide the necessary assistance to enable them to participate in the elaboration of the draft optional protocol;

16. Recommends that the General Assembly, through the Economic and Social Council, consider the recommendations of the working group on basic measures other than a possible optional protocol needed for the prevention and eradication of the sale of children, child prostitution and child pornography (E/CN.4/1995/95, annex II);

17. Decides to consider this question, as a matter of priority, at its fifty-second session under the sub-item entitled "Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication";

18. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution V]

61st meeting
8 March 1995
[Adopted by a roll-call vote of 42 votes to none,
with 11 abstentions. See chap. XXIV.]

1995/79. Rights of the child

The Commission on Human Rights,

Recalling its resolutions 1994/90, 1994/91, 1994/92, 1994/93 and 1994/94 of 9 March 1994 and General Assembly resolutions 49/209, 49/210, 49/211 and 49/212 of 23 December 1994 and 49/215 also of 23 December 1994,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and convinced that urgent and effective national and international action is called for,

Deeply concerned at the persistence of the practices of the sale of children, child prostitution and child pornography and the exploitation of child labour in many parts of the world, as well as at continuing reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution,

Concerned at the existence of a local and international market for child prostitution, child pornography and fraudulent adoption, which allows violations of the rights of the child and violence to be committed against children, *Profoundly concerned* at any killing of and violence against street children, which threaten the most fundamental right of all, the right to life,

Reaffirming that this right is to be protected also in times of armed conflict, when children's lives and physical integrity are particularly threatened,

Deeply worried by the continued practice of enlisting children in armed forces, in contravention of the Convention on the Rights of the Child,

Noting with distress that children are often among the main victims of weapons which strike long after conflicts have ended, especially anti-personnel mines,

Aware of the need to ensure the physical and psychological rehabilitation, as well as the social reintegration, of children victims of any form of neglect, exploitation or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, together with urgent national and international action, can make a positive contribution in protecting the rights of children and ensuring their well-being,

Seriously concerned at those reservations to the Convention on the Rights of the Child which are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law,

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have to date become signatories and parties to the Convention on the Rights of the Child and by its almost universal nature,

Reaffirming the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances, and the World Summit for Children, which adopted a world declaration and a plan of action,

Recalling the adoption by the Commission of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, in its resolution 1992/74 of 5 March 1992, as well as the Programme of Action for the Elimination of the Exploitation of Child Labour, in its resolution 1993/79 of 10 March 1993,

Having considered the report of the Special Rapporteur on the sale of children submitted to the General Assembly at its forty-ninth session (A/49/478),

Taking note of the respective reports of the two open-ended working groups for the elaboration of a draft optional protocol to the Convention on the involvement of children in armed conflicts (E/CN.4/1995/96) and guidelines for a possible draft optional protocol to the Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication (E/CN.4/1995/95),

Mindful of the important role of the United Nations and of the United Nations Children's Fund and its national committees in assisting Governments to promote the well-being of children and their development,

Welcoming the convening of the First World Congress on the Commercial Sexual Exploitation of Children, to be held in Stockholm from 26 to 31 August 1996,

Noting with interest the commitment of the United Nations High Commissioner for Human Rights to strengthening the implementation of the Convention on the Rights of the Child,

Affirming the important role of the media in sensitizing and informing people of the gravity and dangers that follow from the sale of children, child prostitution and child pornography,

I

Extension of the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography

1. Decides to renew the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography for a further period of three years;

2. Welcomes the efforts of the Special Rapporteur to find effective ways to solve the problems of the sale of children, child prostitution and child pornography, notes his recommendations in this regard, and requests the Special Rapporteur, within the framework of the mandate, to continue to pay particular attention to these areas;

3. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance from within existing resources, to make the full discharge of the mandate possible and to enable the Rapporteur to submit an interim report to the General Assembly at its fiftieth session and a report to the Commission at its fifty-second session;

4. Appeals to all Governments to cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting the Special Rapporteur to undertake country visits;

5. Invites the Special Rapporteur to continue to cooperate closely with the Committee on the Rights of the Child and with the Subcommission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies in the field of human rights and those dealing with questions covered by the mandate, including the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs

of the Secretariat and the International Criminal Police Organization, and to this effect invites the Special Rapporteur to participate at the next sessions of those bodies;

II

The Convention on the Rights of the Child and its implementation

6. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1995/97);

7. Urges all States that have not done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching universal adherence;

8. Reaffirms that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments, and in this regard recalls the responsibility of States parties to implement the Convention on the Rights of the Child;

9. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with a view to considering the withdrawal of those reservations which are contrary to article 51 of the Convention or otherwise contrary to international treaty law;

10. Takes note of the consideration by the Committee on the Rights of the Child of the reservations and declarations entered by States parties;

11. Calls upon States parties to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated for that purpose;

12. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, from within existing financial resources, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, in the light of its increasingly heavy workload;

13. Recommends that within their mandates, special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Subcommission on the Prevention of Discrimination and Protection of Minorities, as well as the Committee on the Rights of the Child, pay special attention to particular situations in which children are in danger, including the plight of street children, children in armed conflicts and children who are victims of sale, child prostitution and child pornography;

14. Welcomes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

15. Requests the Secretary-General to transmit the report of the working group for the elaboration of a draft optional protocol to the Convention on the involvement of children in armed conflicts to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the Committee on the Rights of the Child, the International Committee of the Red Cross, and the expert appointed to undertake the study on the impact of armed conflicts on children, and to invite their comments thereon in time for circulation prior to the next session of the working group;

16. Requests the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks prior to the fifty-second session of the Commission to pursue its mandate;

17. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the involvement of children in armed conflicts and to be represented at future sessions of the working group;

18. Invites Member States and United Nations bodies and organs, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the ongoing study by the expert designated by the Secretary-General on the impact of armed conflicts on children;

19. Welcomes the establishment by the Secretary-General of a voluntary trust fund to finance information and training programmes relating to mine clearance, and the financial contributions already made to the fund, and calls upon Member States to contribute further to it;

20. Requests bodies and organs of the United Nations, within the scope of their respective mandates, and invites intergovernmental and non-governmental organizations and the community at large to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist Governments in its implementation;

21. Emphasizes the importance of ensuring training on the rights of the child of those who are involved in actions concerning children, in particular the judiciary and law enforcement officials, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations through the programme of advisory services in the field of human rights;

22. Recognizes the importance of strengthening international cooperation, inter alia through the adoption of bilateral and multilateral measures or the use of the United Nations programme of advisory services in the field of human rights, as a means to assist Governments in preventing and

combating situations of violations of the rights of the child, including the sale of children, child prostitution and child pornography, and to address the problem of street children;

23. Encourages the establishment of bodies and institutions, both governmental and non-governmental, which carry out activities in favour of children on the principle of the child's best interest;

24. Requests the Secretary-General to submit to the Commission at its fifty-second session a report on the status of the Convention on the Rights of the Child;

25. Decides to continue its consideration of the question, as a matter of priority, at its fifty-second session under the agenda item entitled "Rights of the child";

26. Recommends the following draft resolutions to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolutions VI and VII]

61st meeting
8 March 1995
[Adopted without a vote. See chap. XXIV.]

1995/80. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993,

Recalling also its resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Reaffirming the view of the World Conference on Human Rights that the promotion and protection of human rights is a matter of priority for the international community,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Noting that the activities envisaged in the Vienna Declaration and Programme of Action add further to the workload and the responsibilities of the United Nations human rights system and that so far only initial steps have been taken towards bridging the gap between resources and the mandated outputs,

Recalling the request of the World Conference on Human Rights to the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations,

Recalling also General Assembly resolution 49/208 of 23 December 1994, in which the Assembly endorsed the view of the Secretary-General that, if adequately implemented, the Vienna Declaration and Programme of Action would be a milestone in history, and that it required concerted efforts on the part of Governments and national human rights institutions, international organizations, United Nations human rights bodies and non-governmental organizations,

Recalling further General Assembly resolution 48/141 of 20 December 1993, in which the Assembly decided to create the post of High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, including coordination of the human rights promotion and protection activities throughout the United Nations system,

Noting that at the first regular session of the Administrative Committee on Coordination in 1994, the executive heads of all United Nations agencies discussed the implications of the results of the World Conference on Human Rights for their respective programmes and committed themselves to supporting the High Commissioner for Human Rights in the coordination of the United Nations organs and bodies and the specialized agencies whose activities deal with human rights, as set out in General Assembly resolution 48/141,

Having considered the report of the High Commissioner for Human Rights (E/CN.4/1995/98), as well as his note on the meeting of special rapporteurs/representatives/experts and chairpersons of working groups on the special procedures of the Commission on Human Rights and on the advisory services programme, held at Geneva from 30 May to 1 June 1994 in accordance with the request contained in the Vienna Declaration and Programme of Action (E/CN.4/1995/5 and Add.1),

1. Takes note with appreciation of the report of the High Commissioner for Human Rights (E/CN.4/1995/98) and of his note on the meeting of special rapporteurs/representatives/experts and chairpersons of working groups on the special procedures of the Commission on Human Rights and on the advisory services programme (E/CN.4/1995/5 and Add.1);

2. Endorses the reaffirmation in the Vienna Declaration and Programme of Action of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

4. Recognizes that the international community should devise ways and means to remove the current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting thereof throughout the world;

5. Requests the Secretary-General to ensure as wide a distribution as possible of the Vienna Declaration and Programme of Action;

6. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action in order to promote increased awareness of human rights and fundamental freedoms;

7. Calls upon all States to take further action with a view to the full realization of human rights in the light of the recommendations of the Conference;

8. Recognizes the importance of dialogue and cooperation between Governments and non-governmental organizations and the role the Commission can play in promoting dialogue and cooperation;

9. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

10. Requests the High Commissioner for Human Rights, the General Assembly and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

11. Welcomes with appreciation the work of the High Commissioner for Human Rights accomplished so far, and expresses its commitment to continue to cooperate with and support the High Commissioner in the discharge of his mandate, as set out in General Assembly resolution 48/141;

12. Requests the High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

13. Reiterates the request of the Conference that immediate steps be taken to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations;

14. Requests the Secretary-General to propose adequate human and financial resources for the implementation of the Vienna Declaration and Programme of Action in the programme budget for the biennium 1996-1997;

15. Requests the High Commissioner for Human Rights to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action;

16. Decides to consider this question at its fifty-second session under the agenda item entitled "Follow-up to the World Conference on Human Rights".

61st meeting
8 March 1995
[Adopted without a vote. See chap. XXV.]

1995/81. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life and to good health,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991 and 1993/90 of 10 March 1993,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991,

Affirming that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Taking note of resolution GC (XXXIII)/RES/509 on the dumping of nuclear wastes and resolution GC (XXXIV)/RES/530 establishing a Code of Practice on International Transboundary Movement of Radioactive Waste, adopted on 29 September 1989 and 21 September 1990 respectively by the General Conference of the International Atomic Energy Agency, and the decision of the General Conference to keep the question of the international transboundary movements of radioactive waste under active review, including the desirability of concluding a legally binding instrument under the auspices of the International Atomic Energy Agency, in view of their adverse effects on the human rights to life and health of every human person, _Mindful_ of the call by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the growing practice of the dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. _Notes with grave concern_ that the increasing rate of illicit dumping of toxic and dangerous products and wastes in developing countries continues adversely to affect the human rights to life and health of individuals in those countries;

2. _Reaffirms_ that the illicit traffic and the dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of every individual;

3. _Also reaffirms_ the request made by the Second Meeting of the Conference of Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, in its decision II/12, to the industrialized countries to prohibit the export of hazardous and other wastes to parties which have prohibited their import and to non-parties, especially bearing in mind their effects on the health and life of every individual;

4. _Urges_ all Governments to take legislative and other appropriate measures with a view to preventing illegal international traffic in toxic and dangerous products;

5. _Invites_ the United Nations Environment Programme, the International Labour Organisation, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals, including the question of their transboundary movement;

6. _Urges_ the international community to give the necessary support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments governing the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

7. Decides to appoint a special rapporteur for a period of three years with a mandate to:

(a) Investigate and examine the effects of the illicit dumping of toxic and dangerous products and wastes in African and other developing countries on the enjoyment of human rights, in particular on the human rights to life and health of everyone;

(b) Investigate, monitor, examine and receive communications and gather information on the illicit traffic and dumping of toxic and dangerous products and wastes in African and other developing countries;

(c) Make recommendations and proposals on adequate measures to control, reduce and eradicate the illicit traffic in, transfer to and dumping of toxic and dangerous products and wastes in African and other developing countries;

(d) Produce annually a list of the countries and transnational corporations engaged in the illicit dumping of toxic and dangerous products and wastes in African and other developing countries and a census of human persons killed, maimed or otherwise injured in the developing countries through this heinous act;

8. Requests the Special Rapporteur to submit his or her findings, including the list of the countries and transnational corporations engaged in the illicit dumping of toxic and dangerous products and wastes in African and other developing countries, to the Commission on Human Rights at its fifty-second session;

9. Requests the Secretary-General to establish in the Centre for Human Rights a focal unit with the specific task of following up on the findings of the Special Rapporteur and other issues related to the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

10. Also requests the Secretary-General to provide the Special Rapporteur with all the necessary financial and human resources for the fulfilment of his or her mandate;

11. Urges all Governments, specialized agencies and non-governmental organizations to cooperate fully with the Special Rapporteur, in particular by providing information on the movement and dumping of toxic and dangerous products and wastes;

12. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-second session under the appropriate agenda item;

13. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 30]

61st meeting
8 March 1995
[Adopted by a roll-call vote of 31 votes to 15,
with 6 abstentions. See chap. XIV.]

1995/82. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights, Recalling in this connection its resolutions 1991/45 of 5 March 1991 and 1993/91 of 10 March 1993,

Referring to decision 1994/108 of 19 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. Takes note with satisfaction of the report of the Secretary-General (E/CN.4/1995/74);

2. Invites Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights and beneficial to humanity as a whole;

3. Invites States to inform the Secretary-General of legislative or other measures taken to this effect, including the possible establishment of national consultative bodies, with a view to promoting exchanges of experience between such institutions;

4. Requests the Subcommission on Prevention of Discrimination and Protection of Minorities, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and beneficial to humanity as a whole and to make recommendations to that effect;

5. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at its fifty-third session.

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XIV.]

1995/83. Conscientious objection to military service

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Bearing in mind that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion,

Recalling its resolution 1989/59 of 8 March 1989, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion,

Recalling also its resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on grounds of conscience,

Recalling further the comprehensive report by Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya entitled Conscientious Objection to Military Service (United Nations publication, Sales No. E.85.XIV.1) submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session,

Taking into consideration that some States provide for non-combatant service within the military framework and sometimes for alternative civilian service, even though no provision is made in their domestic legislation concerning the recognition of conscientious objection to military service,

Recalling its resolution 1993/84 of 10 March 1993, in which it requested the Secretary-General to report to the Commission on the matter at its fifty-first session,

Having considered the report of the Secretary-General (E/CN.4/1995/99), and thanking those Governments that provided comments to the Secretary-General,

Noting General Comment No. 22 (48) of the Human Rights Committee on article 18 of the International Covenant on Civil and Political Rights, in which the Committee inter alia expressed the view that a right of conscientious objection can be derived from article 18 and that, when this right is recognized by law or practice, there should be no differentiation between conscientious objectors on the basis of the nature of their particular beliefs and that, likewise, there should be no discrimination against conscientious objectors because they have failed to perform military service,

Aware that persons performing military service may develop conscientious objections,

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ethical, humanitarian or similar motives, Recalling article 14 of the Universal Declaration of Human Rights which recognizes the right of everyone to seek and enjoy in other countries asylum from persecution,

1. Draws attention to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights, as well as article 18 of the International Covenant on Civil and Political Rights;

2. Affirms that persons performing military service should not be excluded from the right to have conscientious objections to military service;

3. Appeals to States, if they have not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service;

4. Urges States in their law and practice not to differentiate between conscientious objectors on the basis of the nature of their particular beliefs nor to discriminate against recognized conscientious objectors for failure to perform military service;

5. Reminds States with a system of compulsory military service, where such provision has not already been made, of its recommendation that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection and that they refrain from subjecting conscientious objectors to imprisonment;

6. Emphasizes that such forms of alternative service should be of a non-combatant or civilian character, in the public interest and not of a punitive nature;

7. Recognizes that some States accept claims of conscientious objection as valid without inquiry, and appeals to Member States that do not have such a system to establish, within the framework of their national legal system, independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

8. Affirms the importance of the availability of information about the right to conscientious objection to military service, and the means of acquiring conscientious objector status, to all relevant persons affected by military service;

9. Requests the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations and to include the right of conscientious objection to military service in the public information activities of the United Nations, including the United Nations Decade for Human Rights Education;

10. Also requests the Secretary-General to submit to the Commission at its fifty-third session an update of the information provided in the annexes

to the report by Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya, taking into account information from Governments and non-governmental organizations and any further information available to him;

11. Decides to consider this matter further at its fifty-third session under an agenda item with a new title: "The question of conscientious objection to military service".

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XXVI.]

1995/84. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1994/96 of 10 March 1994, in which it authorized further meetings of the working group and noted the progress it had achieved,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations before finalizing the draft declaration,

1. Takes note of the report of the working group (E/CN.4/1995/93);

2. Urges the working group to make every effort to complete its task and submit the draft declaration t the Commission at its fifty-second session;

3. Decides to continue at its fifty-second session its work on the elaboration of the draft declaration;

4. Also decides to make available an appropriate meeting time for the working group prior to and during the fifty-second session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VIII]

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XXIII.]

1995/85. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nation, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Deeply concerned at continuing and endemic violence against women, noting that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women, and noting that violence against women encompasses, but is not limited to battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, violence related to exploitation, rape, sexual abuse, sexual harassment and intimation at work, in education institutions and elsewhere, trafficking in women and forced prostitution,

Mindful that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Deeply concerned that women and girls constitute the majority of the world's refugees and internally displaced persons, and recognizing the need to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees, asylum seekers and displaced persons and in promoting their active involvement in decisions affecting their lives and communities,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the Special Rapporteur's meeting with the members of the Committee on the Elimination of Discrimination against Women at its fourteenth session in January 1995,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

Noting the comments of the Special Rapporteur concerning the precepts of all the world's religions in favour of the pursuit of the equality of all human beings and to that end the protection of women's rights and dignity,

Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, and mindful that the issue of violence against women is among those being addressed as a critical area of concern in the preparations for the Conference,

1. Welcomes the preliminary report of the Special Rapporteur on violence against women, its causes and its consequences (E/CN.4/1995/42);

2. Commends the Special Rapporteur for her analysis of the general nature of the problem and the specific causes and consequences of violence against women;

3. Encourages the Special Rapporteur to make recommendations concerning situations in which advisory services and technical assistance might assist Governments concerned;

4. Condemns all acts of gender-based violence against women, and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence

against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

5. Condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

6. Stresses the recommendation of the Special Rapporteur that States should implement the Declaration on the Elimination of Violence against Women, and in particular calls on States to take steps at the national level to:

(a) Consider formulating national plans of action to eliminate violence against women;

(b) Consider ratifying the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and limit the extent of any reservation they enter to the Convention, formulate any reservations as precisely and as narrowly as possible, ensure that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law and review their reservations regularly, with a view to withdrawing them expeditiously;

(c) Develop legal and administrative mechanisms to ensure access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for women victims of violence;

(d) Provide access to specialized assistance for women victims of violence;

(e) Educate and sensitize law enforcement officers and public officials with regard to issues concerning violence against women and develop strategies to ensure that revictimization of women victims of violence does not occur because of gender-insensitive laws, or judicial or enforcement practices;

(f) Adopt all appropriate measures, especially in the field of education curricula so as to instil values which will prevent violence against women;

(g) Condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(h) Promote research with regard to the issues concerning violence against women, its causes and its consequences;

(i) Include reporting on violence against women, its causes and its consequences in their reports to international human rights mechanisms;

7. Encourages the Commission on the Status of Women to discuss further the issue of the development of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in keeping with the recommendations of the Special Rapporteur in this regard;

8. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to the Secretary-General's request of 29 July 1994 by providing all relevant information and data requested;

9. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

10. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

11. Requests the Secretary-General to ensure that the preliminary report of the Special Rapporteur on violence against women, its causes and its consequences is made available to the Fourth World Conference on Women and to work with the High Commissioner for Human Rights, the Special Rapporteur and the Secretary-General of the Conference to ensure an integral role for the Special Rapporteur at the Conference;

12. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

13. Decides to continue consideration of the question as a matter of high priority at its fifty-second session.

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XI.]

1995/86. Question of integrating the human rights of women into the human rights mechanisms of the United Nations

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its resolution 1994/45 of 4 March 1994 on integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women,

Bearing in mind that in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and for steps to be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies,

Recalling the outcome of the World Conference on Human Rights as reflected in the Vienna Declaration and Programme of Action, in which it is affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Also recalling that in the Vienna Declaration and Programme of Action the World Conference affirmed that the human rights of women should form an integral part of United Nations human rights activities, including the promotion of all human rights instruments as they relate to women, and urged Governments, institutions, and intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of the human rights of women and the girl child,

Bearing in mind that the programme of action for the equal status and human rights of women adopted in the Vienna Declaration and Programme of Action sets out a series of measures to be taken to further the full and equal enjoyment by women of all human rights as a priority for Governments and the United Nations, and recognizing the importance of the integration and the full participation of women as both agents and beneficiaries in the development process,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination and gender-based violence against women, Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, and mindful that the issue of the integration of the human rights of women throughout the entire United Nations system is among the primary issues to be considered by the Conference,

Recognizing the major role of the Commission on the Status of Women in promoting equality between women and men, and aware that the question of the strengthening of the Commission on the Status of Women and other United Nations bodies devoted to promoting the advancement of women and the coordination of the human rights of women throughout the entire United Nations system is among the primary issues to be considered at the Conference,

Recognizing also the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. Calls for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

2. Encourages the efforts made by the High Commissioner for Human Rights, within his mandate established by the General Assembly in resolution 48/141 of 20 December 1993, including his efforts to coordinate the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women;

3. Encourages the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women;

4. Also encourages closer cooperation and coordination between the Centre for Human Rights and the Division for the Advancement of Women;

5. Further encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, representatives, experts, working groups, and other mechanisms of the Commission and the Subcommission on Prevention of Discrimination and Protection of Minorities concerned with the human rights of women, and in particular:

(a) Requests that they regularly and systematically include in their reports information on violations of the human rights of women;

(b) Encourages the emphasis by the persons chairing the human rights treaty bodies, in the report on their fifth meeting (A/49/537, annex), that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate;

(c) Welcomes in this regard the initiative by the Committee on the Elimination of Discrimination against Women to enhance cooperation with the other human rights treaty bodies;

(d) Endorses the recommendation by the persons chairing the human rights treaty bodies that each treaty body consider amending its reporting guidelines to request gender-specific information from States parties to allow qualitative analysis and review of the human rights of women in periodic reports;

(e) Requests that special rapporteurs, representatives, experts and chairpersons of the working groups of the Commission on Human Rights, in future meetings on enhancing cooperation and exchange of information, address violations of the human rights of women;

(f) Calls on the mechanisms mentioned above to cooperate with the Special Rapporteur on violence against women;

6. Calls upon the High Commissioner for Human Rights, in convening a meeting of persons chairing the human rights treaty bodies and working groups, as well as special rapporteurs, representatives and experts, to consider, in coordination with the Commission on the Status of Women and the Division for the Advancement of Women, ways in which the human rights of women can be integrated into the reports and work of organs, bodies and mechanisms across the United Nations system and to report on progress made on this issue at the Fourth World Conference on Women, to be held in Beijing in 1995, and to the Commission on Human Rights at its fifty-second session;

7. Recommends that the Fourth World Conference on Women consider the question of means of integrating the human rights of women into the mainstream of United Nations system-wide activity;

8. Also recommends that the Secretary-General, the High Commissioner for Human Rights, the Secretary-General of the Fourth World Conference on Women, the Preparatory Committee for the Conference and the Commission on the Status of Women, within the framework of their respective spheres of responsibility, take the necessary steps to ensure an appropriate role at the Conference for relevant special rapporteurs and working groups of the Commission, as well as relevant treaty bodies, in promoting the integration of efforts to protect women's rights into the mainstream activities of all United Nations human rights mechanisms and system-wide United Nations activity, thus contributing to the successful achievement of the goals of the Conference;

9. Encourages improved cooperation among the specialized agencies and funds of the United Nations system, particularly the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund in order to promote the human rights of women through a systematic and periodic exchange of information, experience and expertise;

10. Urges the United Nations organs, bodies and specialized agencies whose activities deal with human rights to train relevant United Nations personnel and officials, particularly human rights and humanitarian relief

personnel, to assist them to recognize and deal with violations of the human rights of women and to carry out their work without gender bias, and requests the Centre for Human Rights to take action in this regard;

11. Requests Governments and the United Nations to include in their human rights education activities information on the human rights of women;

12. Encourages States to ratify the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and to limit the extent of any reservation they enter to the Convention, to formulate any reservations as precisely and as narrowly as possible, to ensure that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law and to review their reservations regularly, with a view to withdrawing them expeditiously;

13. Renews its call to Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, in the information they provide to special rapporteurs, treaty bodies and to all other United Nations bodies and mechanisms concerned with human rights, and notes that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights called on all special rapporteurs, working groups, the treaty bodies and other mechanisms of the Commission and the Subcommission to make use of such data in their deliberations and findings;

14. Decides to continue its consideration of the question as a matter of priority at its fifty-second session.

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XI.]

1995/87. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions relateD to the promotion and protection of civil and political rights have earned an important position among its human rights monitoring mechanisms,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,

Noting with satisfaction than an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolutions 1991/31 of 5 March 1991, 1992/41 of 28 February 1992, 1993/47 of 9 March 1993 and 1994/53 of 4 March 1994, Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups, and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

Recalling further recommendations contained in the Vienna Declaration and Programme of Action (A/CONF.157/23), especially in part II, paragraph 95, in which the World Conference on Human Rights underlined the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission,

Recalling part II, paragraph 88 of the Vienna Declaration and Programme of Action in which the World Conference on Human Rights recommended that the States parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

Recalling also the first meeting of the special rapporteurs, representatives, experts and members or chairmen of working groups of the Commission on Human Rights, held from 14 to 16 June 1993 on the occasion of the World Conference on Human Rights,

Recalling further the meeting of the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the High Commissioner for Human Rights, held from 30 May to 1 June 1994,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

Recalling General Assembly resolution 49/181 of 23 December 1994 on strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

4. Also encourages all Governments to cooperate more closely with the Commission through the pertinent thematic procedures and, where appropriate, by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their annual reports information provided by Governments on follow-up action, as well as their own observations thereon;

7. Invites the non-governmental organizations to continue their cooperation with thematic procedures, and to ascertain that the material provided falls under the mandates of these procedures and contains the required elements;

8. Notes the recommendations of the meeting of the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the High Commissioner for Human Rights, held from 30 May to 1 June 1994 (E/CN.4/1995/5, annex, para. 26);

9. Encourages the thematic special rapporteurs and working groups to make recommendations for the avoidance of human rights violations;

10. Also encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in the investigations carried out under their respective mandates;

11. Further encourages the thematic special rapporteurs and working groups to continue close cooperation with relevant treaty monitoring bodies and country rapporteurs;

12. Requests the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the results of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Centre for Human Rights;

13. Calls on the thematic special rapporteurs and working groups to include in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

14. Requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually and

sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

15. Welcomes the joint declaration (A/CONF.157/9) of the independent experts responsible for the special procedures for the protection of human rights, of 17 June 1993;

16. Requests the Secretary-General to consider the possibility of convening further meetings of all the thematic special rapporteurs and the chairmen of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate more closely and make recommendations;

17. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1994-1995, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission;

18. Further requests the Secretary-General to present a list of all persons currently constituting the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of the fifty-second session of the Commission on Human Rights.

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XI.]

1995/88. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the escalating scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Recalling its previous relevant resolutions, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people,

Recalling also that the World Conference on Human Rights recognized that, in view of the complexities of the global refugee crisis and in accordance with the Charter of the United Nations, relevant international instruments and international solidarity, and in the spirit of burden-sharing, a comprehensive approach by the international community was needed in coordination and cooperation with the countries concerned and relevant organizations, and bearing in mind the mandate of the High Commissioner for Refugees, including the development of strategies to address root causes and the effects of movements of refugees and displaced persons and the strengthening of emergency preparedness and response mechanisms,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identified the protection of human rights as an important element of peace, security and economic well-being and in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595) stated that humanitarian assistance was essential but must be complemented by measures to address the root causes of complex emergencies and that the establishment of inter-agency consultations on early warning served the purposes of both prevention and preparedness,

Welcoming the continuation of inter-agency consultations on early warning, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both the prevention of and preparedness for emergencies,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, acting within their mandates, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms with a view, inter alia, to preventing mass exoduses and the strengthening of emergency preparedness and response mechanisms should be encouraged and further developed and coordinated, with priority being given to the systematization of early warning information collection,

Welcoming the contribution to the deliberations of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees made by the High Commissioner for Human Rights,

Recognizing that women and children constitute approximately 80 per cent of most refugee populations and that, in addition to the problems and needs they share with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation,

Welcoming the continuing efforts of the High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1995/49), which is an important contribution to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

5. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to devote the necessary resources to the successful operation of the consultations;

6. Invites the special rapporteurs, special representatives and working groups of the Commission, the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the High Commissioner for Human Rights for appropriate action in fulfilment of his mandate;

7. Requests all United Nations bodies, including the United Nations human rights treaty bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

8. Requests the High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, to pay attention to situations which cause or threaten to cause mass exoduses, and to address effectively such situations through emergency preparedness and response mechanisms, including information-sharing, the provision of technical advice, expertise and cooperation;

9. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

10. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-second session;

11. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, and other relevant regional refugee instruments and relevant international human rights instruments;

12. Encourages the Office of the United Nations High Commissioner for Refugees to intensify its actions, in consultation with concerned Governments as appropriate, with regard to the interim report of the Special Rapporteur on Violence Against Women which addresses the situation of women and children refugees;

13. Requests the Secretary-General to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information, and to prepare, within existing resources, and submit to the Commission at its fifty-second session an update of his report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution;

14. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission", under the sub-item entitled "Human rights, mass exoduses and the displaced".

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XI.]

1995/89. Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions, of 12 August 1949, for the protection of victims of war and the Additional Protocols thereto of 1977, as well as other instruments of international humanitarian law, the principles and commitments undertaken by the States members of the Organization on Security and Cooperation in Europe and the principles of the London Conference,

Mindful of its duty to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992, 1993/7 and 1993/8 of 23 February 1993, 1994/72, 1994/75 and 1994/77 of 9 March 1994, General Assembly resolution 49/196 of 23 December 1994 and all relevant resolutions of the Security Council,

Recalling also Security Council resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srebrenica and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to those areas,

Recalling further the decision adopted by the World Conference on Human Rights on 15 June 1993 (A/CONF.157/24 (Part I), chap. IV) to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina,

Recalling in addition the Order of the International Court of Justice of 8 April 1993 for provisional measures, reaffirmed on 13 September 1993, that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking under the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide,

Dismayed by the continuation of the human tragedy addressed in those resolutions and decisions, and by the associated massive and systematic violations of human rights, especially in Bosnia and Herzegovina,

Reiterating the commitments of the international community to the territorial integrity, sovereignty and political independence of all States on the territory of the former Yugoslavia,

Mindful that the mutual recognition of all new States of the former Yugoslavia within their internationally recognized borders and the acceptance of the Contact Group peace plan by the self-proclaimed Bosnian Serb authorities would greatly benefit the achievement of a peaceful solution and reconciliation, as well as the improvement of the human rights situation in the areas concerned,

Gravely concerned that despite the efforts of the international community, just and durable peace in Bosnia and Herzegovina has not yet been achieved, further prolonging the human tragedy and violations of human rights and the principles of humanitarian law there, and by the consequences for the international community of the continuing crisis in the territories of the former Yugoslavia,

Gravely concerned also by the ongoing human rights situation and particularly by the systematic policy of "ethnic cleansing" and genocidal acts whose principal victims are the Bosnian population, which is threatened with virtual extermination, as well as Croats and other non-Serbs, in the areas of Bosnia and Herzegovina under the control of the self-proclaimed Bosnian Serb authorities,

Deeply aware that the unlawful use of massive military force and intervention against the territorial integrity of the Republic of Bosnia and

Herzegovina is a cause of the current violations of humanitarian law in Bosnia and Herzegovina as recently witnessed in the Bihac United Nations safe area,

Aware of the inherent right to self-defence of a State Member of the United Nations, as recognized in Article 51 of the Charter of the United Nations, and noting that the Government of Bosnia and Herzegovina has not been able fully to protect human rights throughout its territory because it has not been able to exercise this right fully in the face of superior military force,

Noting with appreciation the achievements realized towards enhancing friendly relations between Bosnians and Croats as constituent peoples through the process of the creation of the Federation of Bosnia and Herzegovina established by the Washington agreements of 1 March 1994, which also constitutes a democratic model for the reconciliation of all peoples of Bosnia and Herzegovina and the territory of the former Yugoslavia and which has tangibly improved the human rights situation and facilitated the delivery of humanitarian supplies in the territory of Bosnia and Herzegovina,

Sustained by the international community's continued determination to bring a peaceful, just and lasting resolution to the conflicts in Bosnia and Herzegovina and in Croatia, and supporting the continuing efforts of all who seek to bring about a peaceful resolution to the conflict,

Welcoming in particular the efforts undertaken by representatives of the international community to assist the parties in reaching a settlement to the conflict in Bosnia and Herzegovina and to achieve a cease-fire, the signature of an economic agreement and the eventual resolution of the political situation in Croatia, as well as the role played by the United Nations Protection Force under very difficult circumstances, the activities of the European Commission Monitoring Mission and the European Union administration of Mostar, the constitutional provisions for the protection of human rights and other aspects of the federation agreements of Washington and Vienna, and other proposals which could, if accepted by all parties, lead to a substantial improvement in the human rights situation of members of all ethnic groups in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

Also welcoming in this regard the efforts of the International Conference on the Former Yugoslavia,

Further welcoming in this regard the signature of the Comprehensive Cease-fire Agreement on 23 December 1994, and of the Agreement on Complete Cessation of Hostilities, signed on 31 December 1994, by the Government of Bosnia and Herzegovina and the self-proclaimed Bosnian Serb authorities,

Noting with interest the meeting convened on 3 February 1995 by the High Commissioner for Human Rights, after consultation with the Secretary-General and his Special Representative, to develop, in close coordination with other United Nations bodies operating in Bosnia and Herzegovina, a coordinated and more effective response to human rights requirements in that country (E/CN.4/1995/98, para. 31), Welcoming the progress made by the International Tribunal established by the Security Council in its resolution 827 (1993) of 25 May 1993 in the nomination of prosecutors and the announcement of initial indictments,

Urging the self-proclaimed Bosnian Serb authorities to cooperate fully with the International Tribunal, and calling on all Governments and the international community to continue to support the mission of the Tribunal,

Drawing the attention of the international community to the importance of an urgent rehabilitation and reconstruction programme for utility services and production capacity for basic needs with a view to enhancing the living standards and human rights situation in Bosnia and Herzegovina,

Calling on the international community to take all appropriate measures for the provision of necessary medical and psychological care to victims of rape, within the framework of programmes to rehabilitate women and children traumatized by war, and for coordination by all concerned in support of the social integration of child victims,

Recognizing the important role played particularly by the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the United Nations Protection Force and other relevant organizations in delivering humanitarian relief in Bosnia and Herzegovina,

Encouraging the international community, acting through the United Nations and other international organizations, as well as bilaterally, to enhance its humanitarian support for Bosnia and Herzegovina,

Deeply concerned that rape and other forms of inhuman and degrading treatment of women and children continue to be used as a deliberate instrument of war and "ethnic cleansing", particularly in the areas of Bosnia and Herzegovina under Bosnian Serb control,

Dismayed by the number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in Croatia, and noting in this regard the report of the expert member of the Working Group on Enforced or Involuntary Disappearances on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37),

Grateful for the work of the special mechanisms of the Commission on Human Rights and of all those involved in the humanitarian relief effort, including the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the officers and personnel of the United Nations Protection Force,

Deeply concerned at the situation of human rights in Serbia and Montenegro, particularly in Kosovo as described in the ninth and tenth reports of the Special Rapporteur (A/49/641-S/1994/1252 and E/CN.4/1995/57), but also in Sandjak and in Vojvodina, and at the situation of the Bulgarian minority,

Recalling in particular:

(a) Police brutality against ethnic Albanians, killings, arbitrary searches, seizures and arrests, torture and ill-treatment of detainees and discrimination in the public administration;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, mass dismissals of ethnic Albanians, discrimination against ethnic Albanian pupils and teachers of primary schools, the closing of the Albanian-language secondary schools and university, as well as the closing of Albanian cultural and scientific institutions;

(c) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(d) The dismissals of doctors and members of other categories of the medical profession of ethnic Albanian origin from clinics and hospitals;

(e) The massive arrests, imprisonment and Draconian punishment of ethnic Albanian political and human rights activists during the past year;

(f) The gradual elimination in practice of the Albanian language, particularly in the public administration and services;

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary emigration;

(h) The attempts at changing the ethnic structure of Kosovo, through a policy of State-sponsored resettlement of refugee Serbian populations in traditional ethnic Albanian communities, as well as through the harassment of ethnic Albanians from Kosovo wishing to return to their homeland,

Gravely concerned that any change to the Citizenship Law may lead to a further deterioration in the situation of human rights and that its purpose may be to change the demographic composition of Kosovo,

Noting with anguish the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in particular his seventh, eighth, ninth and tenth periodic reports (E/CN.4/1995/4, E/CN.4/1995/10, A/49/641-S/1994/1252, E/CN.4/1995/57) and his special report on the media (E/CN.4/1995/54),

Noting with special appreciation the continuing efforts of the Special Rapporteur and those under his direction, both in field offices and at the Centre for Human Rights, and regretting that the Special Rapporteur still has not been allowed to open an office in the Federal Republic of Yugoslavia (Serbia and Montenegro),

Commending the Special Rapporteur for his activities and, in particular, his courage and objectivity in accomplishing his mandate under most trying circumstances, urging the self-proclaimed Serb authorities to cooperate duly with him, and calling on the Governments of all States in the region to continue to support his mission,

1. Commends and thanks the Special Rapporteur for his continued tenacity in fulfilling his mandate under the most trying circumstances, and for the light shed by his important reports, in particular his latest reports, and notes that his continuing activity can be a force to reduce human rights violations in the region;

2. Again deplores and strongly condemns the continual refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the self-proclaimed Bosnian Serb authorities, as described in the reports of the Special Rapporteur, to permit the Special Rapporteur to conduct investigations in territories under their control, as mandated by the Commission;

3. Strongly condemns the specific violations identified by the Special Rapporteur in his reports, most of which are committed in connection with the systematic policy of "ethnic cleansing" and genocidal acts in the areas of the former Yugoslavia under the control of the self-proclaimed Serb authorities, and which include mass killing, torture, disappearances, rape, and other sexual abuses against women and children, the use of civilians as human shields on confrontation lines and as mine clearers, arbitrary executions, the destruction of houses, religious objects and cultural and historical heritage, forced and illegal evictions, detentions, arbitrary searches and other acts of violence;

4. Also condemns the systematic impediments by the self-proclaimed Bosnian Serb authorities and the self-proclaimed Serb authorities in the occupied part of Croatia of humanitarian operations, and particularly the obstruction of humanitarian relief convoys forwarded to besieged areas and towns;

5. Further condemns the indiscriminate shelling and besieging of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services and the use of military force against civilian populations and relief operations, including the use of cluster and napalm bombs against civilian targets by Bosnian and Croatian Serb forces;

6. Again denounces the continued deliberate and unlawful attacks and use of military force against civilians and other protected persons by all sides, recognizing that the primary, though not the sole, responsibility lies with the Serbian forces;

7. Reaffirms the responsibility of all parties to the conflict to find peaceful solutions through negotiations and to protect fully human rights at all times;

8. Strongly reaffirms that in order to achieve a peaceful and lasting solution and to improve the human rights situation in Bosnia and Herzegovina, the right of return to their homes in safety and dignity of all refugees and displaced persons victims of the "ethnic cleansing" and the invalidity of

forcible territorial gains and of forced transfers of property and other acts under duress must be recognized, and that the practice and consequences of "ethnic cleansing" should in no way be legitimized;

9. Strongly condemns the continued refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the self-proclaimed Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in territories under their control;

10. Condemns categorically all violations of human rights and international humanitarian law, as established by the Special Rapporteur in his reports, recognizing that primary responsibility for most of these violations is borne by the leadership in territory under Serb control and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro);

11. Strongly condemns the self-proclaimed Bosnian Serb authorities for gravely violating the Agreement on Complete Cessation of Hostilities, concluded on 31 December 1994, as exemplified in the safe area of Bihac;

12. Strongly urges the international community to continue to support the ongoing peace process through acceptance by all sides of the Contact Group peace plan on Bosnia and Herzegovina, and to exert all pressure on the self-proclaimed Bosnian Serb authorities to accept that peace plan;

13. Demands immediate, firm and resolute action by all concerned parties and the international community to put an end to all human rights violations and breaches of international law, to secure a just and lasting peace in Bosnia and Herzegovina, and to bring those responsible to trial;

14. Expresses its alarm at the conclusions of the Special Rapporteur that nationalistic rhetoric and sweeping attacks and slurs against other national groups have been a dominant feature of reports propagated by some media in Croatia and in Bosnia and Herzegovina, but especially in a systematic way by most media of the Federal Republic of Yugoslavia (Serbia and Montenegro), and particularly by media under the control of the self-proclaimed Bosnian Serb authorities as described in the reports of the Special Rapporteur, and of the self-proclaimed Serb authorities in parts of Croatia, and that this phenomenon has led directly to the commission of fearful atrocities on the battlefields and throughout the territory, underlines in this regard the importance of ensuring the existence of independent media, and calls for immediate action by each Government to implement the recommendations of the Special Rapporteur in this regard (E/CN.4/1995/54, paras. 211-216);

15. Stresses in this context the importance of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina, and the sealing of border crossing points in accordance with the expressed desire of the international community in support of the acceptance of the Contact Group's territorial proposal;

16. Condemns the continuation, particularly in the areas of Banja Luka, Prijedor and Bijeljina, of the heinous and illegitimate acts identified by the

Special Rapporteur as elements of "ethnic cleansing", while commending the courage and sacrifice of the many Serbs who continue to refuse to take part in such violations, and urges the international community to use all its influence on the parties, in particular the authorities in parts of Croatia and Bosnia and Herzegovina under Serbian control and occupation, to end them immediately and to reverse their effects;

17. Also condemns all deliberate and arbitrary impeding of the delivery of food, medical and other supplies essential for the civilian population, in particular of the Bihac area, which can constitute a serious violation of international humanitarian law, and of medical evacuations, as well as attacks on and continued harassment of the United Nations Protection Force and personnel working with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations, which have caused injuries to and the death of those who seek to protect civilians and to deliver humanitarian assistance, and demands that all parties ensure that all persons under their control cease all such attacks and acts of harassment;

18. Renews its expression of outrage at the systematic practice of rape as a weapon of war against women and children and as an instrument of "ethnic cleansing" in the areas of armed conflict in the territory of the former Yugoslavia, and again recognizes that rape in these circumstances constitutes a war crime;

19. Reaffirms that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible and accountable, and should be brought to justice in accordance with internationally recognized principles of due process;

20. Welcomes in this connection the expanding activities of the International Tribunal established by the Security Council in its resolution 827 (1993) of 25 May 1993, and in this context requests States, as a matter of urgency, to make available to the International Tribunal resources, services and expert personnel, including experts in the prosecution of crimes of sexual violence, as recommended by the General Assembly, and encourages as well voluntary contributions from intergovernmental and non-governmental organizations so that the Tribunal may conduct without any further delay its stipulated functions of trying those accused of and punishing those responsible for violations of international law;

21. Also welcomes the progress made by the Prosecutor of the International Tribunal, as shown by the series of indictments announced by the Tribunal, and expresses its support for this crucial effort to investigate and prosecute persons suspected of having committed serious violations of international humanitarian law;

22. Reaffirms that States are to be held accountable for violations of human rights, that they have the obligation to enforce respect for human rights and that they should ensure that those responsible for violations are brought to trial;

23. Requests all States, as required under Security Council resolution 827 (1993), to cooperate with the International Tribunal in

providing information and evidence for investigations and trials and in the apprehension and surrender of persons accused of crimes within the jurisdiction of the Tribunal;

24. Again urges the Special Rapporteur, all United Nations bodies, including the United Nations Protection Force and the United Nations human rights treaty bodies, specialized agencies, Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Prosecutor of the International Tribunal and provide him on a continuing basis with all relevant and accurate information in their possession related to his task;

25. Demands the immediate internationally supervised release of all persons arbitrarily or otherwise illegally detained and the immediate closure of all places of detention not authorized by or in compliance with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto;

26. Reiterates its demand that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention, and that there be immediate, unimpeded and continued access to such places by the International Committee of the Red Cross, the Special Rapporteur and other relevant international and regional organizations;

27. Commends and thanks the expert member of the Working Group on Enforced and Involuntary Disappearances for his first report on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37);

28. Recalls its resolution 1995/35 of 3 March 1995, in which the Commission expressed its appreciation to the Governments of Bosnia and Herzegovina and Croatia and requested them to continue and expand their cooperation with the special process and urged the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake maximum efforts to cooperate by disclosing all relevant available information and documentation, and again urges all parties to cooperate with the special process;

29. Strongly condemns the discriminatory measures and practices, as well as the violations of human rights, carried out by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against ethnic Albanians in Kosovo;

30. Again demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, recalling that the best means to prevent the possible escalation of the conflict is to safeguard human rights and establish democratic institutions in Kosovo;

31. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Cease all human rights violations, discriminatory measures and practices against ethnic Albanians in Kosovo, in particular arbitrary detention and violation of the right to a fair trial and the practice of torture and other cruel, inhuman and degrading treatment;

(b) Release all political prisoners and cease the persecution of political leaders and members of local human rights organizations;

(c) Respect the will of the inhabitants of Kosovo, allowing its expression by democratic means as the best way of preventing the escalation of the conflict there;

(d) Guarantee the freedom of the media throughout the country, and in particular in Kosovo, and cease the obstruction of the Albanian-language media in Kosovo;

(e) Abrogate the official settlement policy of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), which is conducive to the heightening of ethnic tensions;

(f) Allow the Special Rapporteur to visit Kosovo in order to prepare comprehensive reports on the human rights situation there;

(g) Cooperate with the Organization on Security and Cooperation in Europe to enable the long-term mission to resume its activities immediately, _inter alia_ by permitting its return to Kosovo;

32. _Urges_ the Secretary-General to explore ways and means to establish an adequate international monitoring presence in Kosovo;

33. _Expresses its serious concern_ at a new escalation of violence and harassment mainly directed against members of the Muslim community in Sandjak, especially in the regions at the border with the Republic of Bosnia and Herzegovina, as reported by the Special Rapporteur in his ninth report (A/49/641-S/1994/1252, para. 188), and demands that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as the Governments of Serbia and of Montenegro, end these violations and respect the human rights and fundamental freedoms of the local population in Sandzak;

34. _Also expresses its grave concern_ at renewed reports of violations of human rights in Vojvodina and, as noted by the Special Rapporteur, concerning members of the Bulgarian minority and the Croatian minority, while commending the courage and sacrifice of the many Serbs who continue to refuse to take part in such violations;

35. _Urges_ all parties in Serbia and Montenegro, particularly in Kosovo, Sandjak and Vojvodina, to engage in a substantive dialogue, under the auspices of, _inter alia_, the International Conference on the Former Yugoslavia and the Organization on Cooperation and Security in Europe, to act with the utmost restraint and to settle disputes peacefully and with full respect for human rights;

36. _Demands_ that the Federal Republic of Yugoslavia (Serbia and Montenegro) permit entry into Kosovo, Sandjak and Vojvodina of United Nations

observer missions and field officers of the Special Rapporteur and resumption of the missions of long duration of the Organization on Security and Cooperation in Europe;

37. Expresses its serious concern at the prevalence of lawlessness in the Serb-controlled territories of Croatia and the lack of adequate protection for Croatian and other non-Serb populations remaining in the Serb-controlled municipalities where these populations continue to experience physical violence and insecurity, as reported by the Special Rapporteur;

38. Welcomes the efforts by the Governments of Croatia and of Bosnia and Herzegovina to uphold human rights in their territories, urges them to fulfil the human rights commitments they have made, and in particular asks the Government of Croatia to eliminate the arbitrary practices on the part of the Croatian authorities, as reported by the Special Rapporteur;

39. Condemns the continuation of "ethnic cleansing" in areas under the control of the self-proclaimed Serb authorities in the United Nations Protected Areas;

40. Notes with concern that many of the Special Rapporteur's past recommendations have not been fully implemented, in some cases because of resistance by the parties on the ground, and again strongly urges the parties, all States and relevant organizations to give immediate consideration to them;

41. Recommends that there be a human rights component in any internationally negotiated arrangements for Bosnia and Herzegovina and that implementation of such a component be conducted in close cooperation with the High Commissioner for Human Rights, the Special Rapporteur and the Centre for Human Rights;

42. Decides to extend for one year the mandate of the Special Rapporteur as defined in its resolution 1994/72, and requests that he continue his vital efforts, especially by carrying out all such additional missions as he deems necessary, in particular to the Federal Republic of Yugoslavia (Serbia and Montenegro), and that he continue to submit periodic reports, as appropriate, to the Commission and the General Assembly, and to request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the International Conference on the Former Yugoslavia;

43. Requests the Secretary-General to take steps to assist in obtaining the active cooperation of all United Nations bodies in implementing the present resolution and, pursuant to paragraph 28 of General Assembly resolution 49/196, to make available, from within the overall budgetary framework of the United Nations, all necessary resources requested by the Special Rapporteur, including for his field staff, to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the countries under his mandate in order to provide first-hand, timely reports on the situation of human rights there and to ensure coordination with other United Nations bodies involved, including the United Nations Protection Force;

44. Decides to remain seized of the matter and to consider the reports of the Special Rapporteur at its fifty-second session under the relevant agenda item.

62nd meeting
8 March 1995
[Adopted by a roll-call vote of 44 votes to none, with 7 abstentions. See chap. XII.]

1995/90. Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Reaffirming also that all States have the right and duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1994/86, of 9 March 1994,

Deeply concerned at the inter-ethnic violence since the attempted coup d'état on 21 October 1993, involving loss of human life and gross violations of human rights in Burundi,

Alarmed by the actions of extremist groups wishing to undermine the institutional basis and to increase political instability and ethnic tensions in the country,

Particularly convinced that consolidation of democratic gains helps to create a favourable environment for lasting settlement of the political tensions which have brought bloodshed to the country over the past 30 years and enables every citizen of Burundi to take part in the economic and social development of his country,

Concerned about the mass exodus of persons from Burundi who have fled their country to take refuge in neighbouring countries, which increases the number of refugees in those host countries, and about the large number of persons displaced within the country,

1. Takes note of the report by the representative of the Secretary-General submitted pursuant to Commission on Human Rights resolution 1993/95 (E/CN.4/1995/50/Add.2), and of the report of the Secretary-General on the situation of human rights in Burundi (E/CN.4/1995/66);

2. *Strongly condemns* the brutal and violent break in the democratic process initiated in Burundi, as well as any incitement to ethnic violence in the media, demands an immediate end to acts of violence and intimidation, and calls on all sectors of society, both civilian and military, to respect the Constitution of the country and the Convention of Government;

3. *Encourages* the Government of Burundi in its action to secure participation by all components of the population in the conduct of the political and administrative affairs of the country;

4. *Appeals* to political groups, the army, the media and civil society to show moderation and a spirit of conciliation, and to contribute to the restoration of full respect for and the promotion of human rights;

5. *Invites* the authorities of Burundi to cooperate with the international community in carrying out a prompt inquiry into the violations of human rights resulting from the attempted *coup d'état* of 21 October 1993, as well as the inter-ethnic massacres, and to bring the persons responsible for those acts of violence before the courts, so as to put an end to the impunity which has become institutionalized in the country;

6. *Supports* the creation, as soon as possible, of an international commission of inquiry into the October 1993 coup attempt and the massacres that followed, as proposed by the Government of Burundi in accordance with the Convention of Government;

7. *Invites* the international community to continue to lend its political, diplomatic, material and financial support to end the violence, to help the Government of Burundi to find a lasting solution to the political and ethnic tensions and to create conditions to favour the reintegration of refugees and displaced persons and, in this context, requests the Secretary-General to strengthen the office of his special representative in Bujumbura;

8. *Encourages* the international community and the Government of Burundi to implement the various recommendations of the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region held in Bujumbura from 15 to 17 February 1995, in order to reassure refugees and repatriated and displaced persons;

9. *Commends* the efforts made by the Organization of African Unity and the various initiatives taken by associations for the protection of human rights to help the Government of Burundi re-establish democratic institutions, restore confidence and stabilize the situation;

10. *Welcomes* the agreement signed on 22 September 1994 by the High Commissioner for Human Rights and the Government of Burundi on the implementation of a major programme of technical assistance and advisory services in the field of human rights, the various components of which form part of preventive action supported by the international community;

11. Greatly appreciates the efforts of the High Commissioner for Human Rights to promote and protect human rights in Burundi, in particular by setting up an office of the Centre for Human Rights and by mobilizing international cooperation in the quest for peace and security in Burundi;

12. Expresses its conviction concerning the need further to increase preventive action in Burundi without delay, in particular through the presence of human rights experts and observers throughout the country;

13. Applauds the decision taken by the Special Rapporteur on extrajudicial, summary or arbitrary executions, in close consultation with the High Commissioner for Human Rights, to undertake immediately a mission to Burundi as part of his mandate;

14. Calls upon the Chairman of the Commission rapidly to appoint, after consultation with the Bureau, a special rapporteur with the task of drawing up, on the basis of all the information he considers relevant and his contacts with the Burundi authorities and population, a report on the situation of human rights in Burundi for submission to the Commission at its fifty-second session;

15. Requests the Secretary-General to provide the special rapporteur with all the assistance he or she may need to carry out the mandate;

16. Decides to consider the situation of human rights in Burundi at its fifty-second session under the appropriate agenda item.

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/91. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and other applicable human rights and humanitarian law standards,

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, in which the Commission appointed a Special Rapporteur to investigate the human rights situation in Rwanda, and General Assembly resolution 49/206 of 23 December 1994,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in Rwanda and other special rapporteurs of the Commission on Human Rights, the United Nations Assistance Mission for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs and non-governmental organizations, Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts established pursuant to Security Council resolution 935 (1994) of 1 July 1994, that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda and that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman or degrading treatment, and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Noting that, following the cease-fire of 18 July 1994, a new Government has been established in Rwanda and has made efforts to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict, and noting that these efforts are hampered by a lack of resources,

Noting with concern that, in spite of efforts by the Government of Rwanda to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, conditions of detention which do not conform to international standards, torture, summary executions, destruction of property and attacks against displaced persons, and welcoming the commitments made by the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal, physical, economic and human rights infrastructure of Rwanda, and that extensive and long-term technical and financial assistance is required to accomplish this task,

Concerned that human rights violations create a climate of insecurity which prevents refugees and displaced persons from returning to their homes, conscious that their return is essential for the normalization of the situation in Rwanda and countries of the region, and concerned also by reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning,

Concerned also by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which impedes the provision of humanitarian relief and which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies in the camps outside Rwanda,

Welcoming the measures taken by the High Commissioner for Human Rights to put in place the human rights field operation in Rwanda and to coordinate its activities with the Special Representative of the Secretary-General, the United Nations High Commissioner for Refugees, the United Nations Assistance Mission for Rwanda, the International Tribunal for Rwanda, the Department of Humanitarian Affairs, and other United Nations agencies and intergovernmental and non-governmental organizations,

Welcoming also the establishment of the International Tribunal for Rwanda pursuant to Security Council resolution 955 (1994) of 8 November 1994 and the establishment of a United Nations trust fund to support the activities of the Tribunal,

Welcoming further the Security Council mission to Rwanda of 12 and 13 February 1995, and the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, hosted by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees in Bujumbura from 15 to 17 February 1995,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the United Nations Assistance Mission for Rwanda to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment of the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda and that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

1. Welcomes the reports of the Special Rapporteur on violations committed during the hostilities in Rwanda and on the current situation of human rights in Rwanda (E/CN.4/1995/7 and E/CN.4/1995/12);

2. Condemns in the strongest terms genocide, violations of international humanitarian law and all violations and abuses of human rights which occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton killing of innocent civilians and the destruction of property during the conflict, all of which constitute blatant violations of international humanitarian law;

4. Reaffirms that all persons who commit or authorize genocide or other grave violations of international humanitarian law and those who are

responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international principles of due process;

5. Urges all States concerned to cooperate fully with the International Tribunal for Rwanda, taking into account the obligations contained in Security Council resolutions 955 (1994) and 978 (1995), and to take all measures for the early and effective functioning of the International Tribunal for Rwanda;

6. Notes with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrests and detentions under conditions which do not conform to international standards, summary executions, destruction of property and attacks against displaced persons are still taking place, and encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts, in accordance with international principles of due process;

7. Encourages the Government of Rwanda, in a spirit of national reconciliation, to protect and promote respect for human rights and fundamental freedoms, and stresses the need to create an environment conducive to the realization of civil, political, economic, social and cultural rights, and to the return of refugees and displaced persons to their homes;

8. Encourages the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

9. Welcomes the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, notes that efforts in this regard are hampered by a lack of resources, and welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

10. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to continue and intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda, particularly for the administration of justice, and welcomes the contributions made, including those at the Round Table Conference organized by the United Nations Development Programme at Geneva in January 1995;

11. Commends the efforts of the High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights

assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

12. Condemns all attacks against persons in the refugee camps near the borders of Rwanda, demands that such attacks cease immediately, calls upon States to take appropriate steps to prevent such attacks, and welcomes the efforts of the United Nations Assistance Mission for Rwanda, the Office of the United Nations High Commissioner for Refugees and the human rights field operation in Rwanda to encourage and monitor the safe and voluntary return of refugees;

13. Also condemns those who obstruct the access of humanitarian relief to all in need, especially those within the camps for refugees;

14. Urges Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda;

15. Welcomes the commitments of Governments in the region to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety of both the refugees and the personnel providing humanitarian assistance to them;

16. Welcomes the measures taken by the High Commissioner for Human Rights to put in place the human rights field operation in Rwanda, which has as its objectives the investigation of violations of human rights and humanitarian law, the monitoring of the ongoing human rights situation and the prevention of future violations, cooperation with other international agencies in re-establishing confidence and thus facilitating the return of refugees and displaced persons and the rebuilding of civil society, and the implementation of programmes of technical cooperation in the field of human rights, particularly in the field of the administration of justice;

17. Welcomes the cooperation the Government of Rwanda has extended to the High Commissioner for Human Rights and to the Special Rapporteur and the acceptance by the Government of Rwanda, pursuant to its request, of the deployment of human rights field officers, bearing in mind the important role of the human rights field officers, acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, in assisting the Special Rapporteur to fulfil his mandate by investigating human rights violations and monitoring ongoing violations;

18. Invites the High Commissioner for Human Rights and the Centre for Human Rights, taking into account recommendations of the Special Rapporteur and acting in coordination with the United Nations agencies and programmes operating in Rwanda, to provide continuing and further technical assistance, upon request, particularly in the area of the administration of justice;

19. Decides to extend the mandate of the Special Rapporteur, as set out in resolution S-3/1 of 25 May 1994, for an additional year, and requests the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate;

20. Requests the Secretary-General to provide all necessary resources to the Special Rapporteur, taking into account the operational plan for the human rights field operation in Rwanda and the need to deploy a sufficient number of human rights field officers to assist the Special Rapporteur to fulfil his mandate;

21. Also requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources for the delivery of programmes of technical assistance and advisory services, especially in the field of the administration of justice as requested by the Government of Rwanda;

22. Decides to continue its consideration of this question at its fifty-second session.

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XII.]

1995/92. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Recalling General Assembly resolution 49/178 of 23 December 1994 and its own resolution 1994/19 of 25 February 1994, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in resolution 49/178, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, also reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial and human resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights;

Expressing concern about the large number of overdue reports on implementation by States parties to United Nations human rights instruments and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations human rights instruments,

Recalling the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, held from 1988 to 1992, and the endorsement by the General Assembly and the Commission on Human Rights of recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Recalling also that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization (see E/CN.4/1990/39, annex) with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies,

Taking note of the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994 (A/49/537, annex, sect. IV),

Taking note also of the inventory of international human rights standard-setting activities under the purview of the Commission on Human Rights prepared by the Secretary-General (E/CN.4/1995/81),

Noting with interest the initiatives taken by a number of treaty bodies to elaborate measures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

Conscious of the importance of coordination of human rights promotion and protection activities of United Nations organs and bodies whose activities deal with human rights,

Welcoming the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

Bearing in mind that the High Commissioner for Human Rights has, in conformity with General Assembly resolution 48/141 of 20 December 1993, the responsibility, inter alia, to coordinate the human rights promotion and protection activities throughout the United Nations system,

1. Urges States parties to notify without delay the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by the States parties and the General Assembly;

2. Calls upon all States parties to fulfil without delay and in full their financial obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Requests the Secretary-General to report on measures that have been taken to establish a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Also requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

5. Welcomes the submission of the report of the fifth meeting of the persons chairing the human rights treaty bodies held at Geneva from 19 to 23 September 1994 (A/49/537, annex), and takes note of its conclusions and recommendations;

6. Also welcomes the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures;

7. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

8. Urges the human rights treaty bodies and the persons chairing them to continue to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organisation to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports and to report on the results of their examination to the Commission for its consideration;

9. Urges States parties to address, as a matter of priority, at their scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

10. Encourages the High Commissioner for Human Rights, in accordance with his mandate, to request the independent expert to finalize his interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system in time for the final report to be considered by the Commission on Human Rights, as requested by the General Assembly in resolution 48/120 of 20 December 1993, at its fifty-second session;

11. Invites the specialized agencies and other United Nations bodies, and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the High Commissioner for Human Rights;

12. Invites the High Commissioner for Human Rights, in accordance with his mandate, contained in General Assembly resolution 48/141 of 20 December 1993, to consult the human rights treaty bodies in regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

13. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments;

14. Stresses the usefulness of technical assistance and advisory services in helping States parties to comply with their obligations pursuant to United Nations human rights instruments and, further to this end:

(a) Invites the treaty bodies to continue to identify possibilities for States parties to benefit from such technical assistance and advisory services, bearing in mind relevant suggestions of the treaty bodies;

(b) Requests that the High Commissioner for Human Rights, in fulfilling his mandate as set forth in General Assembly resolution 48/141, provide advisory services an technical assistance at the request of the State concerned;

(c) Invites States parties which have been unable to comply with their requirements to submit their initial report to avail themselves of technical assistance;

15. Endorses the recommendations of the persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the General Assembly at its fiftieth session and to the Commission at its fifty-second session;

16. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate

(A/49/537, annex, para. 19), and recommends that the reporting guidelines adopted by the treaty bodies be amended to identify related gender-specific information to be addressed by States parties in their reports;

17. Welcomes the request by the General Assembly to the Secretary-General, in resolution 49/178, to take appropriate steps in order to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

18. Requests the High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141, to maintain an inventory of all international human rights standard-setting activities, from within existing resources, in order to facilitate better informed decision-making;

19. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

20. Welcomes the recommendation by the persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish and make available to the media the full text of the concluding observations on their reports to the treaty bodies, and requests the High Commissioner for Human Rights to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

21. Invites the Department of Public Information of the United Nations to publish at the end of each year, from within existing resources, as a separate volume, a compilation of all concluding observations adopted during that year by the treaty bodies;

22. Requests the High Commissioner for Human Rights to ensure, from within existing resources, that the United Nations Manual on Human Rights Reporting (HRI/PUB/91/1, United Nations publication, Sales No. E.91.XIV.1) is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of the persons chairing the human rights treaty bodies (A/49/537, annex, para. 57);

23. Welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights, as well as the Secretary-General and the bodies of the United Nations competent in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

24. *Requests* the Secretary-General to report to the Commission at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

25. *Decides* to consider the question on a priority basis at its fifty-second session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XVIII.]

1995/93. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993 and endorsed by the General Assembly in resolution 48/121 of 20 December 1993, recommends that, among other relevant bodies of the United Nations, the Commission on Human Rights consider ways and means for the full implementation, without delay, of the recommendations contained in the Declaration and Programme of Action and that, for this purpose, the Commission should annually review the progress towards this end,

Recalling its resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the Vienna Declaration and Programme of Action stressed the importance of strengthening the United Nations Centre for Human Rights and the need for it to play an important role in coordinating system-wide attention for human rights,

Recognizing the necessity for the continuing adaptation of the United Nations human rights machinery to current and future needs in the promotion and protection of human rights to be conducted in a transparent manner through consultations with Member States and competent intergovernmental bodies,

Having in mind the prominent role played by the Commission on Human Rights as a policy-making body in the field of human rights within the United Nations system,

Recalling General Assembly resolution 48/141 of 20 December 1993 in which the General Assembly decided to create the post of High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, Noting the respective functions of the Secretary-General and the pertinent bodies in the revision of the medium-term plan of the programme on human rights of the United Nations system, especially the Committee on Programme Planning and Coordination, the Third and Fifth Committees of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions,

Stressing the need for the examination of the structures of the Secretariat of the United Nations dealing with human rights, particularly the Centre for Human Rights, to ensure the full implementation of the Vienna Declaration and Programme of Action and of all mandates established by decisions of competent bodies in the field of human rights,

Welcoming the statements by the High Commissioner for Human Rights on the subject to the Commission at its fifty-first session and his assurances that he will continue to keep Member States informed on these issues,

1. Encourages the General Assembly to continue its current examination of the proposed revisions to the medium-term plan of the programme on human rights of the United Nations system with a view to its early adoption;

2. Stresses the need for the United Nations bodies responsible for the revision of the medium-term plan of the human rights programme of the United Nations system to ensure full reflection of the Vienna Declaration and Programme of Action and of all mandates established by decisions of the competent bodies in the field of human rights;

3. Also stresses that the process of restructuring the Centre for Human Rights should ensure the full implementation of the Vienna Declaration and Programme of Action and of all mandates established by decisions of competent bodies in the field of human rights;

4. Requests the Secretary-General to convene, at least twice a year at Geneva, meetings with all interested States to provide information on the activities conducted by the Centre for Human Rights and its process of restructuring;

5. Expresses its confidence that the Secretary-General will continue to keep Member States informed on the follow-up of the present resolution;

6. Decides to consider this matter at its fifty-second session.

63rd meeting
10 March 1995
[Adopted without a vote. See chap. XXV.]

B. Decisions

1995/101. Organization of work

At its 2nd meeting, on 31 January 1995, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. R. Felber, Special Rapporteur on the Palestinian territories occupied by Israel;

(b) In connection with item 5: Mr. L.M. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa;

(c) In connection with item 6: Mrs. J.S. Attah, Special Rapporteur of the Subcommission on monitoring the transition to democracy in South Africa;

(d) In connection with item 8: Mr. M. Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development;

(e) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(f) In connection with item 10: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(g) In connection with item 10: Mr. A. Hussain, Special Rapporteur on the right to freedom of opinion and expression;

(h) In connection with item 10: Mr. P. Cumaraswamy, Special Rapporteur on the independence of the judiciary;

(i) In connection with item 10 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;

(j) In connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(k) In connection with item 10 (d): Mr. J. Rhenán Segura, Chairman-Rapporteur of the open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;

(l) In connection with item 11 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women;

(m) In connection with item 11 (d): Mr. F.M. Deng, Representative of the Secretary-General on the question of internally displaced persons;

(n) In connection with item 12: Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran;

(o) In connection with item 12: Mr. A. Artucio Rodríguez, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(p) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan;

(q) In connection with item 12: Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar;

(r) In connection with item 12: Mr. C.-J. Groth, Special Rapporteur on the situation of human rights in Cuba;

(s) In connection with item 12: Mr. T. Mazowiecki, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia;

(t) In connection with item 12: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(u) In connection with item 12: Mr. M.T. Bruni Celli, Special Rapporteur on the situation of human rights in Haiti;

(v) In connection with item 12: Mr. G. Biró, Special Rapporteur on the situation of human rights in the Sudan;

(w) In connection with item 12: Mr. R. Degni-Ségui, Special Rapporteur on the situation of human rights in Rwanda;

(x) In connection with item 12: Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(y) In connection with item 12: Mr. R. Garretón, Special Rapporteur on the situation of human rights in Zaire;

(z) In connection with item 12 or item 21: Ms. M. Pinto, Independent expert on the situation of human rights in Guatemala;

(aa) In connection with item 12 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Subcommission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations are being considered under item 12 (b);

(bb) In connection with item 15: Ms. L. Bautista, Chairman-Rapporteur of the Group of Three;

(cc) In connection with item 16: Mr. M. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

(dd) In connection with item 19: Ms. J.S. Attah, Chairman of the forty-sixth session of the Subcommission;

(ee) In connection with item 21: Mr. M. Kirby, Special Representative of the Secretary-General on Cambodia;

(ff) In connection with item 21: Mr. P. Nikken, Independent expert on the situation of human rights in El Salvador;

(gg) In connection with item 21: Ms. A.M. Lizin, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(hh) In connection with item 22: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(ii) In connection with item 23: Mr. J. Helgesen, Chairman-Rapporteur of the open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

(jj) In connection with item 24: Mr. N. Eliasson, Chairman-Rapporteur of the open-ended working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts;

(kk) In connection with item 24: Ms. G. Simbine Machel, Expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children;

(ll) In connection with item 24 (b): Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(mm) In connection with item 24 (d): Mr. I. Mora Godoy, Chairman-Rapporteur of the open-ended working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

[See chap. III.]

1995/102. Organization of the work of the session

At its 8th meeting, on 3 February 1995, the Commission decided to invite the representative of the Working Group on Enforced or Involuntary Disappearances dealing with the issue of enforced disappearances in the territory of the former Yugoslavia, Mr. M. Nowak, to participate in its meetings under item 10 (c).

[See chap. III.]

1995/103. Decision relating to items 5, 6 and 15

At its 8th meeting, on 3 February 1995, the Commission took note of the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1995/23), the report of the Special Rapporteur on the transition to democracy in South Africa of the Subcommission on Prevention of Discrimination and Protection of Minorities on the mission to South Africa from 7 to 18 November 1994 (E/CN.4/1995/24) and the report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1995/76), and decided not to have a general debate on items 5, 6 and 15.

[See chaps. V, VI, XV.]

1995/104. A world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance

At its 42nd meeting, on 24 February 1995, the Commission, taking note of resolution 1994/2 of 12 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, decided to recommend, through the Economic and Social Council, to the General Assembly, at its fiftieth session, to consider the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance.

[See chap. XVI.]

1995/105. Human rights and income distribution

At its 42nd meeting, on 24 February 1995, the Commission on Human Rights, taking note of resolution 1994/40 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, approved the decision to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account the preliminary and final reports of the Special Rapporteur of the Subcommission on human rights and extreme poverty and matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field, and approved further the request to the Special Rapporteur to submit a preliminary report to the Subcommission at its forty-seventh session, a progress report at its forty-eighth session and a final report at its forty-ninth session.

[See chap. VII.]

1995/106. Organization of the work of the fifty-second regular session

At its 52nd meeting, on 3 March 1995, the Commission, in accordance with decision 1994/297 of 29 July 1994 of the Economic and Social Council, decided, without a vote, to recommend to the Economic and Social Council that the dates of the Commission's regular session be rescheduled, on a one-year trial basis, so that the next regular session would be held from 18 March to 26 April 1996.

[See chap. III.]

1995/107. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights

At its 52nd meeting, on 3 March 1995, the Commission on Human Rights, taking note of resolution 1994/25 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, having due regard for the importance for all United Nations organs and bodies to consider the impact of their activities on human rights but also having regard for the need for the Subcommission to avoid making judgements on issues that are within the responsibility of other United Nations bodies and to avoid overloading its agenda, decided, without a vote, not to forward to the Economic and Social Council the draft decision of the Subcommission authorizing a study on the question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion of human rights (E/CN.4/1995/2-E/CN.4/1994/56, chap. I, sect. B).

[See chap. XIX.]

1995/108. Protection of the heritage of indigenous people

At its 53rd meeting, on 3 March 1995, the Commission on Human Rights, noting resolution 1994/48 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the request to the Secretary-General to submit the principles and guidelines annexed to the preliminary report of the Special Rapporteur, Ms. Erica-Irene Daes, to indigenous people's organizations, communities and nations, as well as to Governments, specialized agencies and intergovernmental and non-governmental organizations concerned, for their comments; the request to the Special Rapporteur to prepare her final report on the basis, *inter alia*, of the comments and information received and to submit it to the Subcommission at its forty-seventh session; and the request to the Secretary-General to provide the Special Rapporteur with the necessary assistance to enable her to carry out her mandate successfully. The Commission recommended to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 39, and chap. XIX.]

1995/109. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 53rd meeting, on 3 March 1995, the Commission on Human Rights, noting decision 1994/116 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, endorsed, without a vote, the recommendation that the Special Rapporteur, Mr. Miguel Alfonso Martínez, make all possible efforts to submit his second progress report in 1995 to the Working Group on Indigenous Populations at its thirteenth session and to the

Subcommission at its forty-seventh session, as well as his final report to both bodies in 1996. The Commission also endorsed the recommendation to request the Secretary-General to give the Special Rapporteur all the necessary assistance to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights, and the resources needed for a research mission to the Vatican archives in Rome. The Commission recommended to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 40, and chap. XIX.]

1995/110. The right to a fair trial

At its 53rd meeting, on 3 March 1995, the Commission on Human Rights, noting resolution 1994/35 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, expressed its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", and decided, without a vote, to endorse the proposal by the Subcommission that the full study be published in all the official languages of the United Nations, taking into account *inter alia*, the comments received from Governments and members of the Subcommission, as well as the most recent developments up to the date on which the report is ready for publication, and to give the study the widest possible distribution. The Commission also decided to consider, at its fifty-second session, the establishment of an open-ended working group to draft a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 41, and chap. X.]

1995/111. Recognition of gross and large-scale violations of human rights as an international crime

At its 53rd meeting, on 3 March 1995, the Commission on Human Rights, noting resolution 1994/28 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to request the Subcommission, bearing in mind the work of the other United Nations bodies on this issue, to reconsider its recommendation to appoint a special rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights, perpetrated on the orders of Governments or sanctioned by them, as an international crime.

[See chap. X.]

1995/112. Traditional practices affecting the health of women and children

At its 53rd meeting, on 3 March 1995, the Commission on Human Rights, noting resolution 1994/30 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, decided to endorse, without a vote, the recommendations of the Subcommission that:

(a) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for two more years, in order to enable her to undertake an in-depth study to assess, inter alia, the differences and similarities between traditional practices affecting the health of women and children in many parts of the world, taking into consideration, among other relevant documents and information, the conclusions and recommendations of the regional seminars and the effects of the implementation of the plan of action for the elimination of harmful traditional practices affecting the health of women and children;

(b) The Special Rapporteur submit her preliminary report to the Subcommission at its forty-seventh session and her final report at its forty-eighth session; and

(c) The Secretary-General be requested to provide all the assistance that the Special Rapporteur may require in the exercise of her mandate; and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 42, and chap. XI.]

1995/113. Question of human rights in Cyprus

At its 60th meeting, on 8 March 1995, the Commission decided, without a vote, to retain on its agenda item 12 (a), entitled "Question of human rights in Cyprus", and to give it due priority at its fifty-second session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1995/114. Question of the follow-up to the guidelines for the regulation of computerized personal data files

At its 62nd meeting, on 8 March 1995, the Commission, referring to the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72) adopted by the General Assembly in its resolution 45/95 of 14 December 1990, and taking note of the report of the Secretary-General prepared pursuant to Commission decision 1993/113 of 10 March 1993 (E/CN.4/1995/75), decided, without a vote:

(a) To request States and intergovernmental, regional and non-governmental organizations to cooperate fully with the Secretary General by providing him with any relevant information on the application of the guidelines;

(b) To request the Secretary-General to continue to ensure the implementation of the guidelines in the United Nations system;

(c) To request the Secretary-General to report to it at its fifty-third session:

- (i) On the application of the guidelines within the United Nations system;
- (ii) On information collected from States and intergovernmental, regional and non-governmental organizations concerning the follow-up to the guidelines at the national and regional levels.

[See chap. XIV.]

1995/115. Organization of the work of the fifty-second session

At its 63rd meeting, on 10 March 1995, the Commission, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to fifty-first sessions, decided, without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-second session;

(b) To request the Chairman of the Commission at its fifty-second session to make every effort to organize the work of the session within the time normally allotted, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

III. ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-first session at the United Nations Office at Geneva from 30 January to 10 March 1995. It held 64 meetings (E/CN.4/1995/SR.1-64) 1/ during the session.

2. The session was opened by Mr. Peter Paul van Wulfften Palthe, Chairman of the Commission at its fiftieth session, who made a statement. The High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights also addressed the Commission at its 1st meeting.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers for other States Members of the United Nations, by observers for non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 30 January 1995, the Commission elected the following officers by acclamation:

Chairman:	Mr. Musa bin Hitam (Malaysia)
Vice-Chairmen:	Mr. Hocine Meghlaoui (Algeria) Mr. Valentin Dobrev (Bulgaria) Mr. José Bernard Pallais (Nicaragua)
Rapporteur:	Mr. Hannu Halinen (Finland)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-first session (E/CN.4/1995/1, E/CN.4/1995/1/Add.1 and Corr.1, Add.2 and Add.3), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fiftieth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At its 23rd meeting, on 14 February 1995, the Commission accepted the recommendations of its officers to revise the provisional agenda, as follows: A sub-item entitled "(a) Indigenous issues" was added to item 19.

7. The agenda, as amended (E/CN.4/1995/1/Rev.1), was adopted without a vote. For the text as adopted, see annex II to the present report.

E. Organization of work

8. At its 2nd meeting, on 31 January 1995, the Commission considered the organization of its work.

9. The Commission had before it the following documents:

Report on the situation of human rights in Guatemala, prepared by Ms. Mónica Pinto, independent expert, pursuant to Commission on Human Rights resolution 1994/58 (E/CN.4/1995/15);

Report of the Secretary-General (E/CN.4/1995/16);

Report prepared by Mr. Peter Paul van Wulfften Palthe, Chairman of the informal open-ended working group on the organization of the work of the session convened pursuant to Commission on Human Rights decision 1994/111 (E/CN.4/1995/17);

Report of United Nations High Commissioner for Human Rights (E/CN.4/1995/98);

Letter dated 19 October 1994 from the Permanent Representative of the Islamic Republic of Iran addressed to the Commission on Human Rights (E/CN.4/1995/115);

10. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 9; items 5, 6, 15, 16; items 7, 8, 17, 18; items 13, 20, 22; items 11, 21; items 14, 26; and items 27, 28. The Commission further agreed to consider the agenda items in the following order: 4, 9; 5, 6, 15, 16; 7, 8 17, 18; 13, 20, 22; 19; 10; 11, 21; 12(b); 12; 24; 25; 14, 26; 23; 27, 28.

11. At the same meeting, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 15 minutes or two statements of 10 minutes per item or group of items. Observers and non-governmental organizations were limited to one statement of 10 minutes per item or group of items. Observer States and liberation movements mentioned in reports submitted to the Commission were limited to one statement of 15 minutes or two statements of 10 minutes under the item concerned. It was also agreed that, with regard to rights of reply, the practice followed by the Third Committee of the General Assembly, namely a limitation to two replies, 5 minutes for the first and 3 minutes for the second, at the end of the day, would be observed.

12. It was also recommended that guest speakers, special rapporteurs, and chairpersons of working groups should limit their statements to 15 minutes.

13. At its 46th meeting, on 28 February 1995, the Commission accepted the recommendation of its officers to limit the frequency and duration of statements. Members of the Commission were limited to one statement

of 10 minutes per item or group of items, while observers and non-governmental organizations were limited to one statement of 5 minutes per item or group of items. Members of the Commission who were directly concerned by a country-specific report would, however, have the possibility of making a statement of 10 minutes in reaction to the report and, should they wish to do so, to make another statement of 10 minutes in the general debate under the item under consideration. Government observer delegations directly concerned by a country specific report would also have the possibility of making one statement of 10 minutes under the item, instead of the reduced 5-minute speaking time. It was also agreed that, with regard to statements in exercise of the right of reply, these were to be limited to 3 minutes and the second to 2 minutes.

14. At the same meeting, upon the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairmen-rapporteurs of working groups to participate in the meetings at which their reports were to be considered.

15. For the text of the decision as adopted, see chapter II, section B, decision 1995/101.

16. At the 8th meeting, on 3 February 1995, the Commission decided to extend another invitation in addition to those decided by decision 1995/101.

17. For the text of the decision as adopted, see chapter II, section B, decision 1995/102.

18. At the 4th meeting, on 1 February 1995, Mr. Peter Paul van Wulfften Palthe, Chairman of the informal open-ended working group on the organization of the work of the session, introduced his report (E/CN.4/1995/17).

19. At the 8th meeting, on 3 February 1995, the Commission decided, owing to the observance of Ramadan, to reschedule the afternoon meetings from 3 to 6 p.m. to 3 to 5.30 p.m.

20. At the same meeting, the Commission decided to move the consideration of items 7, 8, 17 and 18 to 6 February 1995.

21. At the 34th meeting, on 21 February 1995, the independent expert on the situation of human rights in Guatemala, Ms. Mónica Pinto, introduced her report (E/CN.4/1995/15).

22. At its 52nd meeting, on 3 March 1995, the Commission decided to accept the recommendation of its officers to waive the requirement under rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council that proposals and substantive amendments should be put to the vote no earlier than twenty-four hours after copies had been circulated to all members.

23. At the same meeting, the Commission, in accordance with decision 1994/297 of the Economic and Social Council, decided to recommend to the Economic and

Social Council that the dates of the Commission's regular session should be rescheduled, on a one-year trial basis, so that the next regular session would be held from 18 March to 26 April 1996.

24. For the text of the decision as adopted, see chapter II, section B, decision 1995/106.

25. At its 62nd meeting, on 8 March 1995, the Chairman made a statement in connection with the statements made by the Minister of Foreign Affairs of Sri Lanka, on 10 February 1995, and the representative of Sri Lanka, on 20 February 1995, concerning the situation in Sri Lanka.

> "The Commission acknowledges the statements made by the Minister of Foreign Affairs of Sri Lanka and the Representative of Sri Lanka on the positive and meaningful steps the Government of Sri Lanka has taken to promote and protect human rights over the past year. The Commission commends the Government of Sri Lanka for these measures and notes the additional steps outlined in those statements, notably the establishment of a human rights commission with monitoring, investigative and advisory powers, and the proposed constitutional reforms that will entail the expansion of the existing scope of protection for human rights in line with internationally-accepted standards.
>
> "The Commission wishes to express its conviction that Sri Lanka will sustain and build upon its commitment to uphold human rights and fundamental freedoms.
>
> "The Commission appreciates the cooperation offered by the Government of Sri Lanka to all human rights mechanism of the United Nations, including the Commission on Human Rights. In particular, the Commission welcomes the invitation extended to the High Commissioner for Human Rights to visit Sri Lanka.
>
> "The Commission condemns abuses of human rights by the Liberation Tigers of Tamil Eelam (LTTE) and strongly urges it to desist from such acts.
>
> "The Commission expresses its support for the peace process initiated by the President of Sri Lanka and strongly urges the LTTE to respond positively and speedily to the steps taken by the Government and to take all necessary steps towards the achievement of a durable political solution."

F. Meetings, resolutions and documentation

26. Of the 64 meetings held by the Commission, five were extended to the equivalent of five additional meetings.

27. The resolutions and decisions adopted by the Commission at the fifty-first session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

28. Annex III contains estimates of the administrative and programme budget implications of resolutions and decisions of the Commission, prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

29. Annex IV contains a list of documents issued for the fifty-first session of the Commission.

G. Visits

30. At the 2nd meeting, on 31 January 1995, Ms. Lucette Michaux-Chevry, Minister-Delegate for Humanitarian Activities and Human Rights in France, addressed the Commission on behalf of the European Union.

31. At the 3rd meeting, on 31 January 1995, Mr. Luiz Felipe Lampreia, Minister of External Relations of Brazil, addressed the Commission.

32. At the 6th meeting, on 2 February 1995, Mr. Roberto R. Romulo, Secretary of Foreign Affairs of the Philippines, addressed the Commission.

33. At the 7th meeting, on 2 February 1995, Mr. Djovi Gally, Minister for Human Rights and Rehabilitation of Togo, addressed the Commission.

34. At the 8th meeting, on 3 February 1995, Mr. Josef Šesták, Secretary of State for Foreign Affairs of the Slovak Republic, addressed the Commission.

35. At the 9th meeting, on 3 February 1995, Mr. Poul Nielson, Minister for Development Cooperation of Denmark, addressed the Commission.

36. At the 10th meeting, on 6 February 1995, Mr. George Chicoti, Deputy Minister for Foreign Affairs of Angola, addressed the Commission.

37. At the 12th meeting, on 7 February 1995, Mr. Fernando Vega Santa Gadea, Minister of Justice of Peru, addressed the Commission.

38. At the 13th meeting, on 7 February 1995, Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, addressed the Commission.

39. At the 14th meeting, on 8 February 1995, Mr. Douglas Hogg, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, addressed the Commission.

40. At the 15th meeting, on 8 February 1995, Ms. Audrey F. Glover, Director of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), addressed the Commission.

41. At the 16th meeting, on 9 February 1995, Mr. Máris Gailis, Prime Minister of Latvia, addressed the Commission.

42. At the same meeting, Mr. Mohamed Salah Dembri, Minister of Foreign Affairs of Algeria, addressed the Commission.

43. At the 18th meeting, on 10 February 1995, Ms. Christine Stewart, Secretary of State of Canada for Latin America and Africa, addressed the Commission.

44. At the same meeting, Mr. Manmohan Singh, Finance Minister of India, addressed the Commission.

45. At the 19th meeting, on 10 February 1995, Mr. Lakshman Kadirgamar, Minister of Foreign Affairs of Sri Lanka, addressed the Commission.

46. At the 20th meeting, on 13 February 1995, Mr. Alecos P. Michaelides Minister of Foreign Affairs of Cyprus, addressed the Commission. At the 21st meeting, on 13 February 1995, the representatives of Turkey and Cyprus made statements in exercise of the right of reply.

47. At the same meeting, Mr. Sardar Aseff Ahmad Ali, Minister for Foreign Affairs for Pakistan, addressed the Commission. At the 21st meeting, on 13 February 1995, the representatives of India and Pakistan made statements in exercise of the right of reply. At the same meeting, the representatives of India and Pakistan made statements in exercise of the second right of reply.

48. At the 24th meeting, on 15 February 1995, Mr. Alexandre Sambat, Minister for Human Rights of Gabon, addressed the Commission.

49. At the 27th meeting, on 16 February 1995, Mr. Wolfgang Schallenberg, Vice-Minister for Foreign Affairs of Austria, addressed the Commission.

50. At the 29th meeting, on 17 February 1995, Mr. Madhav Kumar Nepal, Deputy Prime Minister and Minister for Foreign Affairs and Defence of Nepal, addressed the Commission.

51. At the same meeting, Mr. Bernard Narakobi, Minister for Agriculture of Papua New Guinea, addressed the Commission.

52. At the 33rd meeting, on 21 February 1995, Mr. Michael Lavarch, Attorney-General of Australia, addressed the Commission.

53. At the 34th meeting, on 21 February 1995, Ms. Rigoberta Menchú Tum, Nobel Peace Prize Laureate, addressed the Commission.

54. At the 38th meeting, on 23 February 1995, Mr. Hans van Mierlo, Deputy Prime Minister and Minister for Foreign Affairs of the Netherlands, addressed the Commission.

55. At the same meeting, Mrs. Marithza Ruiz de Vielman, Minister for Foreign Affairs of Guatemala, addressed the Commission.

56. At the same meeting, Mr. Abdelaziz Shiddo, Minister of Justice and Attorney-General of the Sudan, addressed the Commission.

57. At the 43rd meeting, on 27 February 1995, Mr. Mate Granić, Deputy Prime Minister and Minister for Foreign Affairs of Croatia, addressed the Commission.

58. At the same meeting, Ms. Joan Burton, Minister of State at the Department of Foreign Affairs of Ireland, addressed the Commission. At the 45th meeting, on 28 February 1995, the representative of Indonesia made a statement in exercise of the right of reply.

59. At the 46th meeting, Mr. Michael A. Agbamuche, Attorney-General and Minister of Justice of Nigeria, addressed the Commission.

60. At the 47th meeting, on 28 February 1995, Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights, addressed the Commission.

61. At the 49th meeting, on 1 March 1995, Mr. Vartan Oskanian, Deputy Minister of Foreign Affairs of Armenia, addressed the Commission.

62. At the 52nd meeting, on 3 March 1995, Mr. Ramiro de León Carpio, President of the Republic of Guatemala, addressed the Commission.

63. At the same meeting, Mr. André Erdós, Special Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), addressed the Commission.

64. At the 57th meeting, on 7 March 1995, Mr. Ivan Garvalov, Chairman of the Committee on the Elimination of Racial Discrimination and Chairman of the Fifth Meeting of Chairpersons of Treaty Bodies, addressed the Commission.

65. At the 61st meeting, on 8 March 1995, Mr. Oscar Alfredo Santamaría, Minister for Foreign Affairs of El Salvador, addressed the Commission.

H. Other matters

66. At the 29th meeting, on 17 February 1995, Mr. José Ayala Lasso, High Commissioner for Human Rights, made an urgent statement in regard to the situation of human rights in Burundi.

67. At the 43rd meeting, on 27 February 1995, the Commission observed a minute's silence in memory of Mr. Felix Ermacora, who had passed away on 24 February 1995.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

68. The Commission considered agenda item 4 at its 2nd to 8th meetings, on 31 January to 3 February 1995, concurrently with item 9 (see chap. IX), and its 29th meeting, on 17 February 1995. 1/

69. In relation to agenda item 4, the Commission had before it the following documents:

Note verbale dated 18 April 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/3);

Letter dated 4 July 1994 from the Permanent Observer for Palestine to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for human Rights (E/CN.4/1995/8 - E/CN.4/Sub.2/1994/43);

Note verbale dated 17 May 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/13);

Note verbale dated 27 June 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/14);

Report of the Special Rapporteur, Mr. René Felber, on the human rights situation in the Palestinian territories occupied since 1967, submitted pursuant to Commission resolution 1993/2 A (E/CN.4/1995/19);

Report of the Secretary-General (E/CN.4/1995/20);

Report of the Secretary-General (E/CN.4/1995/21);

Note by the Secretary-General (E/CN.4/1995/22).

70. At the 8th meeting, on 3 February 1995, Mr. René Felber, Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967, introduced his report (E/CN.4/1995/19) to the Commission.

71. In the general debate on agenda item 4, statements 3/ were made by the following members of the Commission: Algeria (4th), Australia (5th), Bangladesh (6th), Brazil (6th), Canada (6th), China (5th), Cuba (6th), Egypt 3rd), France (on behalf of the European Union) (4th), India (4th), Indonesia (4th), Japan (4th), Malaysia (3rd), Mauritania (4th), Nicaragua (7th), Pakistan (6th), Republic of Korea (6th), Russian Federation (7th), Sri Lanka (7th), Sudan (3rd) and the United States of America (4th).

72. The Commission also heard statements by the observers for the following countries: Israel (5th), Libyan Arab Jamahiriya (7th), Morocco (6th), Norway (6th), Senegal (5th), Syrian Arab Republic (2nd) and Yemen (5th). The observer for Palestine also made a statement (2nd).

73. The Commission also heard statements by the following non-governmental organizations: Amnesty International (5th), Habitat International Coalition (5th), International Commission of Jurists (5th), International Confederation of Free Trade Unions (5th), Pax Christi International (3rd) and Women's International League for Peace and Freedom (4th).

74. At its 29th meeting, on 17 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

75. The representative of Mauritania introduced draft resolution E/CN.4/1995/L.3, sponsored by Algeria, Bahrain, Cuba, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, Tunisia and Yemen. Egypt, China, Indonesia, Malaysia and Pakistan subsequently joined the sponsors.

76. The representative of the United States of America requested a vote; at the request of the representative of Mauritania, a roll-call vote was taken on the draft resolution.

77. The draft resolution was adopted by 26 votes to 2, with 21 abstentions. The voting was as follows:

> _In favour_: Algeria, Angola, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, Sudan, Venezuela, Zimbabwe.
>
> _Against_: Russian Federation, United States of America.
>
> _Abstaining_: Australia, Austria, Benin, Bulgaria, Canada, Côte d'Ivoire, Ecuador, El Salvador, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Nicaragua, Peru, Poland, Romania, Togo, United Kingdom of Great Britain and Northern Ireland.

78. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/1.

79. On 6 February 1995, draft resolution E/CN.4/1995/L.4 had been submitted by Algeria, Bahrain, Cuba, Egypt, the Islamic Republic of Iran, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Viet Nam, and Yemen. The draft resolution read as follows:

"_Human rights in the occupied Syrian Golan_

"_The Commission on Human Rights_,

"_Deeply concerned_ at the suffering of the population of the occupied Syrian Golan due to the violation of their human rights since the Israeli military occupation of 1967,

"_Recalling_ Security Council resolution 497 (1981) of 17 December 1981, "_Recalling also_ all relevant General Assembly resolutions, including the latest, resolution 49/36 D of 9 December 1994, in which the Assembly, _inter alia_, called upon Israel to put an end to its occupation of the Arab Territories,

"_Reaffirming once more_ the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

"_Reaffirming_ that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations,

"_Taking note with deep concern_ of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/49/511) and, in this connection, regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

"_Guided_ by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

"_Reaffirming_ its previous relevant resolutions, the most recent being resolution 1994/2 of 18 February 1994,

"1. _Calls upon_ Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, _inter alia_, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

"2. _Also calls upon_ Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

"3. _Further calls upon_ Israel to stop its attempt forcibly to impose Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and its practices of annexation, establishment of settlements, confiscation of lands, diversion of water resources and imposition of a boycott on their agricultural products; and calls upon Israel to desist from its settlement designs and policies aimed against academic institutions with the goal of serving the objectives of occupation, and to desist from its repressive measures against the population of the occupied Syrian Golan;

"4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

"5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

"6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-second session;

"7. Decides to include in the provisional agenda of its fifty-second session, as a matter of high priority, the item entitled 'Question of the violation of human rights in the occupied Arab territories, including Palestine'."

80. At the 29th meeting, the representative of the Syrian Arab Republic introduced a revised draft resolution E/CN.4/1995/L.4/Rev.1, sponsored by Algeria, Bahrain, Cuba, Egypt, Indonesia, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Qatar, Somalia, the Sudan, Sri Lanka, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Viet Nam and Yemen. Bangladesh and Pakistan subsequently joined the sponsors.

81. The representative of the United States of America requested a vote; at the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on the draft resolution.

82. The draft resolution was adopted by 25 votes to 1, with 23 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, the Sudan, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Benin, Bulgaria, Canada, Côte d'Ivoire, Ecuador, El Salvador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Netherlands, Nicaragua, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland.

83. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/2.

84. At the same meeting, the representative of France introduced draft resolution E/CN.4/1995/L.7, sponsored by Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Canada, Egypt, Iceland, Japan, Liechtenstein, Malta, New Zealand and Switzerland subsequently joined the sponsors.

85. The representative of the United States of America requested a vote; at the request of the representative of France, a roll-call vote was taken on the draft resolution.

86. The draft resolution was adopted by 46 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Australia, Austria, Bangladesh, Bhutan, Brazil, Bulgaria, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Italy, Japan, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, the Sudan, Togo, United Kingdom of Great Britain and Northern Ireland, Venezuela and Zimbabwe.

Against: United States of America.

Abstaining: Benin, Cameroon and El Salvador.

87. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/3.

V. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

88. The Commission considered agenda item 5 concurrently with item 6, 15, 16 (see chaps. VI, XV, and XVI) at its 8th meeting, on 3rd February and at its 29th meeting, on 17 February 1995. 1/

89. The Commission had before it the final report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1995/23).

90. At the 8th meeting, on 3 February 1995, the representative of Algeria, speaking on behalf of the African Group, made a proposal not to hold a general debate on agenda item 5.

91. The representatives of Bulgaria, Nepal, the Netherlands and Nicaragua, speaking on behalf of their respective regional groups, made statements supporting the proposal made by the representative of Algeria.

92. At the same meeting, the Commission took note of the report of the Ad Hoc Working Group of Experts on Southern Africa and decided not to hold a general debate on item 5.

93. For the text of the decision as adopted, see chapter II, section B, decision 1995/103.

94. At its 29th meeting, on 17 February 1995, the Commission took up consideration of the draft resolution submitted under agenda item 5.

95. The representative of Algeria introduced draft resolution E/CN.4/1995/L.8, sponsored by Algeria, Argentina, Benin, Brazil, Burundi, Côte d'Ivoire, Egypt, Ethiopia, France, Ghana, Iraq, Ireland, Madagascar, Mauritania, Mauritius, Morocco, Nigeria, Poland, Senegal, Slovakia, South Africa, the Sudan and Zimbabwe. Angola, Australia, Austria, Bangladesh, Belgium, Bulgaria, Cameroon, Canada, Chile, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, Gabon, Gambia, Germany, Greece, Hungary, Iceland, India, Italy, Japan, Kenya, Malta, the Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, the Republic of Korea, Romania, Spain, Sweden, Togo, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela subsequently joined the sponsors.

96. The draft resolution was adopted without a vote.

97. After the adoption of the draft resolution the observer for South Africa made a statement.

98. For the text of the resolution as adopted, see chapter II section A, resolution 1995/8.

VI. MONITORING AND ASSISTING THE TRANSITION TO DEMOCRACY IN SOUTH AFRICA

99. The Commission considered agenda item 6 concurrently with items 5, 15 and 16 (see chaps. V, XV and XVI) at its 8th meeting, on 3 February, and at its 30th meeting, on 17 February 1995. 1/

100. The Commission had before it the report of the Special Rapporteur on the transition to democracy in South Africa, Ms. Judith Sefi Attah, on her mission to South Africa from 7 to 8 November 1994 (E/CN.4/1995/24).

101. At the 8th meeting, on 3 February 1995, the Special Rapporteur introduced her report.

102. At the same meeting, the representative of Algeria, speaking on behalf of the African Group, made a proposal not to hold a general debate on agenda item 6.

103. The representatives of Bulgaria, Nepal, the Netherlands and Nicaragua, speaking on behalf of their respective regional groups, made statements supporting the proposal made by the representative of Algeria.

104. At the same meeting, the Commission took note of the report of the Special Rapporteur on her mission to South Africa and decided not to hold a general debate on item 6.

105. For the text of the decision as adopted, see chapter II, section B, decision 1995/103.

106. At the 30th meeting, on 17 February 1995, the Commission took up consideration of a draft resolution submitted under agenda item 6.

107. The observer for Nigeria introduced draft resolution E/CN.4/1995/L.5, sponsored by Algeria, Cameroon, China, Côte d'Ivoire, Ethiopia, Kenya, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mauritius, Morocco, Nigeria, South Africa, the Sudan, Tunisia and Zimbabwe. Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, Cuba, Cyprus, the Czech Republic, Denmark, Egypt, El Salvador, Finland, France, the Gambia, Germany, Greece, Iceland, Iraq, Ireland, Italy, Japan, Malaysia, Malta, Nepal, the Netherlands, Norway, Portugal, the Republic of Korea, Romania, Senegal, Spain, Sweden, Togo, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

108. The draft resolution was adopted without a vote.

109. After the adoption of the draft resolution, the observer for South Africa made a statement.

110. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/9.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

111. The Commission considered agenda item 7 concurrently with items 8, 17 and 18 (see chaps. VIII, XVII and XVIII) at its 10th to 19th meetings, on 6 to 10 February, and at its 41st meeting, on 24 February 1995. 1/

112. The Commission had before it the following documents:

Report of the Secretary-General, prepared in pursuance of Commission of Human Rights resolution 1994/11 (E/CN.4/1995/25 and Add.1-2);

Note by the Secretariat: report of the seminar on extreme poverty and the denial of human rights (E/CN.4/1995/101);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/124);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/125);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/127);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/131);

Note verbale dated 16 January 1995 from the Permanent Mission of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/137);

Written statement submitted by Centre Europe-tiers monde, a non-governmental organization on the Roster (E/CN.4/1995/NGO/32).

113. In the general debate on agenda item 7, statements 3/ were made by the following members of the Commission: Algeria (14th), Australia (12th), Benin (17th), Bulgaria (14th), Canada (15th), Chile (14th), Colombia (10th), Cuba (14th), Ecuador (17th), Egypt (14th), El Salvador (12th), France (on behalf of the European Union) (10th), Malaysia (17th), Nepal (14th), the Netherlands (14th), Nicaragua (12th), the Philippines (15th), Poland (14th), the Russian Federation (17th), the Sudan (13th), Venezuela (10th).

114. The Commission also heard statements by the observers for: Ghana (15th), the Holy See (13th), Honduras (16th), Iraq (12th), Kenya (18th), the Libyan Arab Jamahiriya (17th), Madagascar (13th), Nigeria (17th), Ukraine (17th), Viet Nam (14th), Yemen (18th).

115. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (16th), American Association of Jurists (13th), Centre Europe-tiers monde (18th), Commission for the Defence of Human Rights in Central America (16th), Habitat International Coalition (18th), Indian Institute for Non-Aligned Studies (12th), International Association of Educators for World Peace (14th), International Committee for European Security and Cooperation (18th), International Confederation of Free Trade Unions (12th), International Federation of Rural Adult Catholic Movements (18th), International Federation - Terre des Hommes (12th), International Humanist and Ethical Union (12th), International Movement ATD Fourth World (12th), International Organization for the Development of Freedom of Education (12th), Latin American Federation of Associations of Relatives of Disappeared Detainees (16th), Movement against Racism and for Friendship among Peoples (12th), Pax Romana (10th), Union of Arab Jurists (18th), Women's International League for Peace and Freedom (14th), World Confederation of Labour (18th), World Conference on Religion and Peace (18th), World Federation of Democratic Youth (18th), World Federation of Trade Unions (16th), World Organization against Torture (16th), World University Service (18th).

116. At its 41st meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions and draft decisions submitted under agenda item 7.

117. On 17 February 1995, draft resolution E/CN.4/1995/L.18 was submitted by the following countries: Angola, Benin, Cuba, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Nepal, Nigeria, the Sudan, the Syrian Arab Republic, Venezuela, Viet Nam. The draft resolution read as follows:

"Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development

"The Commission on Human Rights,

"Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

"Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, "_Recalling further_ General Assembly resolution 32/130 of 16 December 1977,

"_Reaffirming_ the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

"_Bearing in mind_ resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992, 1993/40 of 26 August 1993 and 1994/40 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

"_Recognizing_ that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

"_Having in mind_ the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990,

"_Aware_ that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

"_Concerned_ about the repercussions of structural adjustment programmes in the realization and full enjoyment of economic, social and cultural rights,

"_Recognizing_ the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

"_Aware_ of the fact that the Working Group on the Right to Development identified the problem of foreign debt as one of the obstacles to the implementation of the Declaration on the Right to Development,

"_Deeply concerned_ that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain, "Noting with regret the negative effects of the policies adopted to face situations of external debt on the realization and enjoyment of economic, social and cultural rights,

"Stressing that the present international economic order continues to be unfair and needs to be transformed,

"Stressing also that measures for debt reduction need to be accompanied by vigorous measures aimed at improving the international economic environment in order to facilitate the growth and development of developing countries,

"Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

"Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

"Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993 and 1994/11 of 25 February 1994,

"Taking into account the report submitted by the Secretary-General in accordance with its resolution 1994/11 (E/CN.4/1995/25 and Add.1 and 2),

"1. Endorses the report submitted by the Secretary-General in accordance with its resolution 1994/11;

"2. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

"3. Also stresses the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial and multilateral debt owed by developing countries, taking into account, in particular, the needs of debtor countries;

"4. Emphasizes that, in addition to debt-relief measures that include debt and debt-service reduction, there is a need for new financial flows to debtor developing countries, and urges the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes, so as to enable them to achieve adequate technological and productive progress and extricate themselves from the debt overhang and to assist them in achieving economic growth and development;

"5. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

"6. Requests the Working Group on the Right to Development to continue to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights and to make recommendations in this regard;

"7. Recognizes that there is a need for more transparency in the activities of international financial institutions;

"8. Requests the international financial institutions to report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies on the full enjoyment of economic, social and cultural rights in the developing countries;

"9. Stresses that foreign debt continues to be one of the major obstacles to the realization of the right to development;

"10. Considers that in order to find a durable solution to the debt crisis of developing countries and in addition to technical measures that should be implemented in order to alleviate the debt burden of those countries, there is a need for a political dialogue between creditor and debtor countries in the United Nations system, based on the principle of shared responsibility, and in this regard requests the Secretary-General to carry out this dialogue;

"11. Also considers that the above-mentioned dialogue should contribute to the initiation of an integral process aimed at restructuring the international economic order with the objective of achieving more equitable and fair relations among all nations of the world;

"12. Affirms that the process of consultations already initiated by the Secretary-General in accordance with Commission resolution 1994/11 should lead to the convening of high-level meetings at regional and world levels;

"13. Decides to appoint a special rapporteur on human rights and debt for a period of three years, in order to gather information and to report annually to the Commission, starting at its fifty-second session, on the effects of the economic adjustment policies arising from foreign debt on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development, taking into account the recommendations of the Working Group on the Right to Development;

"14. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial and human resources for the fulfilment of his or her mandate;

"15. Requests the High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries;

"16. Requests the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development;

"17. Also requests the Secretary-General to report to the Commission, at its fifty-second session, on the implementation of the present resolution;

"18. Also decides to continue to consider, at its fifty-second session, the agenda item entitled 'Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms';

"19. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution ... of ... 1995, decides to endorse the Commission's decision to appoint a special rapporteur on human rights and debt for a period of three years, in order to gather information and to report annually to the Commission, starting at its fifty-second session, on the effects of the economic adjustment policies arising from foreign debt on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development, taking into account the recommendations of the Working Group on the Right to Development; and requests the Secretary-General to provide the Special Rapporteur with all the necessary financial and human resources to fulfil the mandate."

118. At the 41st meeting, on 24 February 1995, the representative of Cuba introduced a revised draft resolution E/CN.4/1995/L.18/Rev.1, sponsored by Angola, Benin, Cuba, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Nepal, Nigeria, the Sudan, the Syrian Arab Republic, Venezuela, Viet Nam. Egypt, Guinea-Bissau, Haiti, the Libyan Arab Jamahiriya, Madagascar and the Philippines subsequently joined the sponsors.

119. The representative of Cuba orally revised the revised draft resolution by deleting operative paragraph 16, which was identical to operative paragraph 19 of draft resolution E/CN.4/1995/L.18.

120. At the request of the representative of France, a roll-call vote was taken on the draft resolution.

121. The revised draft resolution, as orally revised, was adopted by 33 votes to 15, with 4 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea-Bissau, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Philippines, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: Austria, Australia, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bulgaria, Dominican Republic, Republic of Korea, Peru.

122. At the 42nd meeting, on the same day, statements in explanation of vote after the vote were made by the representatives of France (on behalf of the European Union) and Japan.

123. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/13.

124. On 8 February 1995, draft resolution E/CN.4/1995/L.6 was introduced by the United Kingdom of Great Britain and Northern Ireland.

125. Subsequently, the draft resolution was withdrawn by the sponsor. Draft resolution E/CN.4/1995/L.6 read as follows:

"_Human rights and the environment_

"_The Commission on Human Rights_,

"_Recalling_ General Assembly resolutions 43/196 of 20 December 1988, 44/172 A and B of 19 December 1989, 44/228 of 22 December 1989, 45/211 of 21 December 1990, 46/168 of 19 December 1991 and 47/190 of 22 December 1992, "Recalling also its resolutions 1993/90 of 10 March 1993 and 1994/65 of 9 March 1994,

"Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I) and Agenda 21 (A/CONF.151/26, vol. II), adopted by the United Nations Conference on Environment and Development on 14 June 1992,

"Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights,

"Taking note of the reports submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7 and E/CN.4/Sub.2/1994/9 and Corr.1),

"Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums,

"Considering that the promotion of an environmentally healthy world contributes to protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and respective capabilities,

"Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitute a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste, and cooperate in the prevention of illicit dumping,

"Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

"Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to and the transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, as well as the special needs of developing countries, "1. Recognizes that many existing human rights and environmental instruments mentioned in the final report of the Special Rapporteur on human rights and the environment of the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/9 and Corr.1) can be useful tools to ensure a healthy environment for all;

"2. Calls upon States to implement effectively the Rio Declaration on Environment and Development, Agenda 21 and those international environmental and human rights instruments to which they are parties;

"3. Requests the Secretary-General to submit to the Commission at its fifty-second session a report analysing which United Nations bodies, including the Commission on Sustainable Development, are addressing and would be best suited to address the issues raised in the report of the Special Rapporteur of the Subcommission and the follow-up to that report, including the resource implications."

126. On 17 February 1995, draft resolution E/CN.4/1995/L.22 was submitted by the following countries: Cuba, Democratic People's Republic of Korea, Ecuador, El Salvador, India, Iraq, Kenya, Mauritania, Nicaragua, Nigeria, Peru, Uruguay, Viet Nam. The draft resolution read as follows:

"Human rights and the environment

"The Commission on Human Rights,

"Recalling General Assembly resolutions 43/196 of 20 December 1988, 44/172 A and B of 19 December 1989, 44/228 of 22 December 1989, 45/211 of 21 December 1990, 46/168 of 19 December 1991 and 47/190 of 22 December 1992,

"Recalling also its resolutions 1993/90 of 10 March 1993 and 1994/65 of 9 March 1994,

"Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I) and Agenda 21 (A/CONF.151/26, vol. II), adopted by the United Nations Conference on Environment and Development on 14 June 1992,

"Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights,

"Taking note of the reports submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7 and E/CN.4/Sub.2/1994/9 and Corr.1),

"Taking into account resolutions 1994/27 and 1994/37 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, "Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums,

"Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and their respective capabilities,

"Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should vigorously implement the existing conventions related to the dumping of toxic and dangerous products and waste and cooperate in the prevention of illicit dumping,

"Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

"Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to, the transfer and the development of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, including the traditional knowledge of indigenous peoples and local communities, as well as the special needs of developing countries,

"1. Reaffirms principle number 1 of the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I), which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature;

"2. Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations;

"3. Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living;

"4. Expresses its appreciation to the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, Mrs. Fatma Zohra Ksentini, for her final report (E/CN.4/Sub.2/1994/9 and Corr.1) and the issues raised therein;

"5. Requests that the Special Rapporteur's final report with the annexes be published by the United Nations in all the official languages;

"6. Recalls that everyone has the right to enjoy the benefit of scientific progress and its application and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern;

"7. Also recalls chapter 33 of Agenda 21 (A/CONF.151/26, vol. II) on the provision of new and additional financial resources to developing countries to achieve sustainable development;

"8. Requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-second session, a report containing the opinions of Governments, specialized agencies, intergovernmental and non-governmental organizations on the issues raised in the report of the Special Rapporteur of the Subcommission and to make recommendations on appropriate follow-up to the report;

"9. Decides to continue its consideration of this question at its fifty-second session under the agenda item entitled 'Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the right to Development'."

127. At the 41st meeting, on 24 February 1995, the representative of Cuba introduced a revised draft resolution E/CN.4/1995/L.22/Rev.1, sponsored by Cuba, the Democratic People's Republic of Korea, Ecuador, El Salvador, India, Iraq, Kenya, Mauritania, Nicaragua, Nigeria, Peru, Uruguay and Viet Nam. Algeria, Angola, Colombia, Guinea-Bissau, Haiti, Venezuela and Zimbabwe subsequently joined the sponsors.

128. At the same meeting, the representative of Cuba orally amended the revised draft resolution by deleting, in operative paragraph 5, the words "with the annexes" after the words "final report".

129. At the same meeting, the representative of Brazil proposed that the words "indigenous peoples" should be replaced by "indigenous people" in the last preambular paragraph of the English text of the draft resolution.

130. Statements in connection with the revised draft resolution and the proposed amendment were made by the representatives of Cuba and France (on behalf of the European Union).

131. The representative of the United States of America made a statement about the draft resolution.

132. The revised draft resolution, as orally modified, was adopted without a vote.

133. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/14.

134. At the same meeting, the observer for Portugal introduced draft resolution E/CN.4/1995/L.24, sponsored by Angola, Australia, Austria, Belgium, Benin, Bulgaria, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Luxembourg, Madagascar, Norway, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Cameroon, Canada, Chile, Ecuador, El Salvador, Guinea-Bissau, Haiti, Ireland, Italy, Latvia, the Netherlands, the Republic of Korea, Slovenia and Tunisia subsequently joined the sponsors.

135. The observer for Portugal orally revised the draft resolution as follows:

(a) In operative paragraph 7, the word "appropriate" was inserted before "indicators";

(b) In operative paragraph 16, the words "look into the consideration of human rights issues in the adoption of all relevant policies, projects and practices" were replaced by the words "as well as to assess the impact of their policies and programmes on the enjoyment of human rights";

(c) In operative paragraph 18, the words "Secretary-General" were replaced by "High Commissioner for Human Rights".

136. Statements in connection with the draft resolution were made by the representatives of Cuba, India, the Sudan and the United States of America.

137. The draft resolution, as revised, was adopted without a vote.

138. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/15.

139. At the same meeting, the representative of France introduced draft resolution E/CN.4/1995/L.25, sponsored by Argentina, Austria, Belgium, Burundi, Chile, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Ireland, Italy, Mexico, Nigeria, Portugal, the Russian Federation, Senegal, Slovakia, Spain and Switzerland. Australia, Canada and Venezuela subsequently joined the sponsors.

140. The representative of France orally revised the draft resolution as follows:

(a) After operative paragraph 2, a new operative paragraph was inserted as follows: "*Acknowledges* that this question will be considered in the future in the light of the declaration and programme of action to be adopted by the World Summit for Social Development";

(b) In operative paragraph 8, the word "re-examined" was replaced by the words "considered subsequently";

(c) After operative paragraph 11, a new operative paragraph was inserted as follows: "Also invites the Special Rapporteur to give attention to the declaration and programme of action to be adopted by the World Summit for Social Development";

(d) The paragraphs were renumbered accordingly.

141. The draft resolution, as orally revised, was adopted without a vote.

142. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/16.

143. In view of the adoption of revised draft resolution E/CN.4/1995/L.22/Rev.1, the Commission took no action on draft resolution II recommended by the Subcommission for adoption by the Commission (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. A) (see paras. 127-133 above).

144. At the same meeting, the Commission considered draft resolution IV recommended by the Subcommission for adoption by the Commission (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. A).

145. Statements about the draft resolution were made by the representatives of Cuba and the Netherlands.

146. The Commission decided to postpone consideration of draft resolution IV recommended by the Subcommission for adoption by the Commission.

147. At its 42nd meeting, on 24 February 1995, the Commission resumed consideration of draft resolution IV recommended by the Subcommission for adoption by the Commission.

148. Statements in connection with the draft resolution were made by the representatives of Chile, Colombia, Cuba and France.

149. At the same meeting, the Commission decided further to postpone consideration of the draft resolution.

150. At the same meeting, the Commission resumed consideration of draft resolution IV.

151. The representative of the Netherlands proposed that the draft resolution should be amended as follows:

(a) Operative paragraph 3 which read:

> "Also requests the Secretary-General to organize an expert seminar on the human right to adequate housing in order to discuss appropriate, effective and comprehensive final conclusions and recommendations for inclusion in the final report;"

should be deleted;

(b) Operative paragraph 4 (b), which read:

> "Organize an expert seminar on promoting the full realization of the right to adequate housing in order to discuss appropriate, effective and comprehensive conclusions and recommendations for inclusion in the final report of the Special Rapporteur;"

should be deleted;

(c) The other paragraphs should be renumbered accordingly.

152. The draft resolution, as orally amended, was adopted without a vote.

153. At the same meeting, the representative of Cuba made a statement about the draft resolution.

154. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/19.

155. At its 41st meeting, on the same day, in view of the adoption of draft resolution E/CN.4/1995/L.25 (see paras. 139-142), the Commission took no action on draft resolution V recommended by the Subcommission for adoption by the Commission (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. A).

156. At the same meeting, in view of the adoption of draft resolution E/CN.4/1995/L.24, the Commission took no action on draft decision 10 recommended by the Subcommission for adoption by the Commission (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

157. At the same meeting, the Commission considered draft decision 11 recommended by the Subcommission for adoption by the Commission (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

158. Statements in connection with the draft decision were made by the representatives of Algeria, Canada, Cuba, Chile, France, India, the Netherlands and the United States of America.

159. At its 42nd meeting, on the same day, the Commission decided to postpone consideration of the draft decision.

160. At the same meeting, the Commission resumed consideration of the draft decision.

161. The representative of Chile proposed that the draft decision should be amended by adding, after the words "taking into account", the words "the preliminary and the final reports of the Special Rapporteur of the Subcommission on human rights and extreme poverty and".

162. The draft decision was adopted, as amended, without a vote.

163. For the text of the decision as adopted, see chapter II, section B, decision 1995/105.

VIII. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

164. The Commission considered agenda item 8 concurrently with items 7, 17 and 18 (see chaps. VII, XVII and XVIII) at its 10th to 19th meetings, on 6 to 10 February, and at its 42nd meeting, on 24 February 1995. 1/

165. In relation to agenda item 8, the Commission had before it the following documents:

Report of the Working Group on the Right to Development on its second session (E/CN.4/1995/11);

Report of the Secretary-General on the implementation of Commission on Human Rights resolution 1994/21, entitled "The right to development" (E/CN.4/1995/26);

Report of the Working Group on the Right to Development on its third session (E/CN.4/1995/27);

Note by the Secretary-General (E/CN.4/1995/114);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/124);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/131);

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/CN.4/1995/NGO/7);

Written statement submitted by Centre Europe-tiers monde, a non-governmental organization on the Roster (E/CN.4/1995/NGO/32).

166. At the 10th meeting, on 6 February 1995, Mr. Mohamed Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development, introduced the reports of the Working Group on its second and third sessions (E/CN.4/1995/11 and E/CN.4/1995/27).

167. In the general debate on agenda item 8, statements 3/ were made by the following members of the Commission: Algeria (14th), Australia (12th), Bangladesh (13th), Benin (17th), Bhutan (16th), Bulgaria (14th), Canada (15th), Chile (14th), China (12th), Colombia (10th), Cuba (16th), Ecuador (17th), Egypt (14th), El Salvador (12th), Ethiopia (16th), France (on behalf of the European Union) (10th), India (13th), Indonesia (14th), Malaysia (17th), Mauritania (17th), Nepal (14th), Nicaragua (12th), Pakistan (13th), Peru (14th), the Philippines (15th), Poland (14th), the Russian Federation (17th), Sri Lanka (17th), the Sudan (13th), Venezuela (10th), Zimbabwe (14th).

168. The Commission also heard statements by the observers for: Ghana (15th), the Holy See (13th), Iraq (12th), Iran (Islamic Republic of) (17th), Kenya (18th), the Libyan Arab Jamahiriya (17th), Madagascar (13th), Nigeria (17th), Senegal (15th), South Africa (16th), the former Yugoslav Republic of Macedonia (13th), Yemen (18th).

169. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (16th), Association of American Jurists (13th), Centre Europe-tiers monde (18th), Indian Institute for Non-Aligned Studies (12th), International Association against Torture (19th), International Association of Educators for World Peace (14th), International Committee for European Security and Cooperation (18th), International Confederation of Free Trade Unions (12th), International Federation of Rural Adult Catholic Movements (18th), International Indian Treaty Council (19th), Latin American Federation of Associations of Relatives of Disappeared Detainees (16th), Movement against Racism and for Friendship among Peoples (12th), Union of Arab Jurists (18th), Women's International League for Peace and Freedom (14th), World Confederation of Labour (18th), World Conference on Religion and Peace (18th), World Federation of Democratic Youth (18th), World Federation of Trade Unions (16th), World Organization Against Torture (16th).

170. Statements in exercise of the right of reply or its equivalent were made by the observers for Greece (15th) and Iraq (19th).

171. At its 42nd meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 8.

172. The representative of Indonesia introduced draft resolution E/CN.4/1995/L.27, sponsored by Bangladesh, Bhutan, Chile, China, Colombia, Cuba, the Democratic People's Republic of Korea, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Madagascar, Malaysia, Myanmar, Nepal, Nigeria, Pakistan, the Philippines, Sri Lanka, the Sudan, the Syrian Arab Republic, Tunisia, Viet Nam and Yemen. Afghanistan, Algeria, Angola, Cameroon, Côte d'Ivoire, Ecuador, El Salvador, Equatorial Guinea, Gabon, Guinea-Bissau, Haiti, Jordan, the Libyan Arab Jamahiriya, Mauritania, Mexico, Mongolia, Peru, Senegal, Singapore, Thailand, the United Republic of Tanzania, Venezuela and Zimbabwe subsequently joined the sponsors.

173. Statements in connection with the draft resolution were made by the representatives of Austria, Brazil, Bulgaria, Cuba, Finland, France and Poland.

174. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission heard a statement concerning the administrative and programme budget implications 2/ of the draft resolution.

175. Statements in explanation of vote before the vote were made by the representatives of Australia, Austria, Canada, Finland, Germany, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

176. At the request of the representative of Finland, a roll-call vote was taken on the draft resolution.

177. The draft resolution was adopted by 36 to 15, with 1 abstention. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea-Bissau, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, the United States of America.

Abstaining: Australia.

178. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/17.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

179. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 4th to 7th meetings, on 1 and 2 February and at its 29th meeting, on 17 February 1995. 1/

180. The Commission had before it the following documents:

Report of the Secretary-General on the situation in occupied Palestine (E/CN.4/1995/28);

Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1994/7 (E/CN.4/1995/29).

181. At the 5th meeting, on 1 February 1995, the Special Rapporteur on mercenaries, Mr. Enrique Bernales Ballesteros, introduced his report (E/CN.4/1995/29) to the Commission.

182. In the general debate on agenda item 9, statements 3/ were made by the following members of the Commission: Algeria (4th), Angola (7th), Australia (5th), China (7th), Cuba (7th), India (7th), Indonesia (7th), Pakistan (7th), Poland (6th), the Russian Federation (7th), Sri Lanka (7th).

183. The Commission also heard statements by the observers for: Croatia (6th), the Libyan Arab Jamahiriya (7th), Morocco (6th), Portugal (7th), Senegal (5th), South Africa (5th).

184. The Commission also heard statements by the following non-governmental organizations: Centre Europe-tiers monde (5th), Commission for the Defence of Human Rights in Central America (6th), France-Libertés: Fondation Danielle Mitterrand (7th), Habitat International Coalition (5th), International Commission of Jurists (5th), International Educational Development, Inc. (4th), International Indian Treaty Council (7th), International League for the Rights and Liberation of Peoples (5th), International Movement Against All Forms of Discrimination and Racism (6th), Pax Christi International (6th), World Muslim Congress (6th).

185. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (7th), India (7th), Indonesia (7th) and Pakistan (7th) and the observers for Morocco (7th) and Portugal (7th).

186. Statements in exercise of the second right of reply were made by the representatives of India (7th) and Pakistan (7th).

187. At its 29th meeting, on 17 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

188. The representative of Egypt introduced draft resolution E/CN.4/1995/L.2, sponsored by Algeria, Bahrain, Cuba, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, Tunisia and Yemen. China, Egypt, Indonesia, Malaysia and Pakistan subsequently joined the sponsors.

189. The representative of the United States of America requested a vote; at the request of the representative of Egypt, a roll-call vote was taken on the draft resolution.

190. The draft resolution was adopted by 27 to 1, with 22 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Republic of Korea, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Benin, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Ecuador, El Salvador, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Peru, Philippines, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland.

191. A statement in explanation of vote after the vote was made by the representative of the Philippines.

192. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/4.

193. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/1995/L.12, sponsored by Costa Rica, Cuba, Guatemala and Nicaragua. Angola, India and Nigeria subsequently joined the sponsors.

194. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote; at the request of the representative of Cuba, a roll-call vote was taken on the draft resolution.

195. The draft resolution was adopted by 34 votes to 1, with 15 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, India, Indonesia, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Netherlands, Poland, Romania, United Kingdom of Great Britain and Northern Ireland.

196. Statements in explanation of vote after the vote were made by the representatives of Australia, Germany, Italy, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

197. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/5.

198. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1995/L.13, sponsored by Norway, the Russian Federation and the United States of America. Albania, Angola, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Finland, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Madagascar, Malta, Mauritius, Nepal, the Netherlands, New Zealand, Nicaragua, Peru, Poland, Portugal, Republic of Korea, Romania, Slovakia, Spain, Sweden, Switzerland, Togo, the United Kingdom of Great Britain and Northern Ireland and Venezuela subsequently joined the sponsors.

199. At the request of the representative of the Sudan, a roll-call vote was taken on the draft resolution.

200. The draft resolution was adopted by 50 votes to none, with no abstentions. The voting was as follows:

In favour: Algeria, Angola, Australia, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Italy, Japan, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zimbabwe.

Against: None.

Abstaining: None.

201. Statements in explanation of vote after the vote were made by the representatives of Algeria, France and Mauritania.

202. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/6.

203. At the same meeting, the Chairman introduced draft resolution E/CN.4/1995/L.16, submitted by the Chairman.

204. The draft resolution was adopted without a vote.

205. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/7.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES; (d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

206. The Commission considered agenda item 10 and sub-items (a), (b), (c) and (d) at its 18th meeting, on 10 February, at its 26th to 34th meetings, on 16 to 21 February, at its 53rd meeting, on 3 March, and at its 59th meeting, on 7 March 1995. 1/

207. The Commission had before it the following documents:

Report of the Secretary-General (A/49/484 and Corr.1 and Add.1).

Report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its forty-sixth session (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56);

Note verbale dated 10 May 1994 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/6-E/CN.4/Sub.2/1994/42);

Note verbale dated 12 July 1994 from the Permanent Mission of the State of Kuwait to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/9-E/CN.4/Sub.2/1994/44);

Note by the Secretary-General (E/CN.4/1995/30);

Report of the Working Group on Arbitrary Detention (E/CN.4/1995/31 and Add.1-4);

Promotion and protection of the right to freedom of opinion and expression: report of the Special Rapporteur Mr. Abid Hussain, pursuant to Commission on Human Rights resolution 1993/45 (E/CN.4/1995/32);

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers: report of the Special Rapporteur, Mr. Param Cumaraswamy, submitted in accordance with Commission on Human Rights resolution 1994/41 (E/CN.4/1995/39);

Detention of international civil servants and their families: updated report of the Secretary-General, prepared pursuant to Commission on Human Rights resolution 1994/42 (E/CN.4/1995/40);

Note by the Secretary-General (E/CN.4/1995/41);

Expert group meeting on children and juveniles in detention: application of human rights standards: report of the Secretary-General, submitted pursuant to Commission on Human Rights resolution 1993/80 (E/CN.4/1995/100);

Letter dated 27 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/133);

Letter dated 14 February 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/152;

Letter dated 22 February 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/154);

Note verbale dated 20 February 1995 from the Permanent Mission of the Arab Republic of Egypt to the United Nations Office at Geneva, addressed to the secretariat of the Centre for Human Rights (E/CN.4/1995/155);

Seventh revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy (E/CN.4/Sub.2/1994/23 and Corr.1 and Add.1);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/1995/NGO/3);

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/19);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/23);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/37);

208. At the 18th meeting, on 10 February 1995, the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, Mr. Param Cumaraswamy, introduced his report (E/CN.4/1995/39) to the Commission.

209. At the same meeting, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, Mr. Louis Joinet, introduced his report (E/CN.4/1995/31 and Add.1-4) to the Commission.

10. At the 31st meeting, on 20 February 1995, the Special Rapporteur on the romotion and protection of the right to freedom of opinion and expression, r. Abid Hussain, introduced his report (E/CN.4/1995/32) to the Commission.

11. In the general debate on agenda item 10, statements 3/ were made by the ollowing members of the Commission: Australia (32nd), Austria (31st), angladesh (30th), Bhutan (31st), Chile (32nd), Cuba (32nd), Ecuador (31st), gypt (27th), El Salvador (32nd), France (on behalf of the European nion) (26th), India (32nd), Nepal (26th), Pakistan (31st and 32nd), eru (32nd), Republic of Korea (31st), Russian Federation (31st), nited States of America (26th) and Venezuela (30th).

12. The Commission also heard statements by the observers for Cyprus (32nd), orway (32nd), the Former Yugoslav Republic of Macedonia (30th) and urkey (32nd).

13. The observer for Switzerland (32nd) made a statement.

14. The Commission also heard a statement by the observer for the nternational Committee of the Red Cross (31st).

15. The Commission also heard statements by the following non-governmental rganizations: American Association of Jurists (31st), Amnesty nternational (28th), Andean Commission of Jurists (30th), Anti-Slavery nternational for the Protection of Human Rights (34th), Arab Organization for uman Rights (28th), Article 19: The International Centre against Censorship (28th), Commission for the Defense of Human Rights in Central America (31st), Federation of Associations of Former International Civil Servants (31st), France-Libertés: Fondation Danielle Mitterrand (34th), International Association of Democratic Lawyers (31st), International Commission of Jurists (28th), International Committee for European Security and Cooperation (28th), International Falcon Movement (31st), International Federation of ACAT (34th), International Federation of Human Rights (28th), International Federation - Terre des Hommes (28th), International Federation of University Women (33rd), International League for Human Rights (28th), International Union of Lawyers (31st), Liberation (31st), Pax Romana (28th), International League for the Rights and Liberties of Peoples (30th), International PEN (30th), Pax Christi International (30th), Robert F. Kennedy Memorial (34th), Society for Threatened Peoples (28th), World Movement of Mothers (30th) and World Press Freedom Committee (31st).

216. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (30th and 34th), China (34th), Egypt (34th), Ethiopia (30th), India (28th and 32nd), Mauritania (34th), Pakistan (32nd) and the Republic of Korea (34th), and the observers for Honduras (32nd), Iran (Islamic Republic of) (32nd), Kenya (34th), the Syrian Arab Republic (32nd) and Viet Nam (30th).

217. Statements in exercise of the second right of reply were made by the representatives of India (32nd) and Pakistan (32nd).

218. At the 53rd meeting, on 3 March 1995, the Commission took up consideration of draft decision 9, recommended to the Commission on Human

Rights for adoption by the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

219. The representative of Japan introduced draft amendment E/CN.4/1995/L.40 to draft decision 9, sponsored by Japan, which read as follows:

> "Japan: draft amendment to draft decision 9 recommended to the Commission on Human Rights for adoption by the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I.B)
>
> "The second sentence would read as follows:
>
> "The Commission also decides to consider at its fifty-second session the establishment of an open-ended working group to consider the desirability of a third optional protocol to the International Covenant on Civil and Political Rights aiming at guaranteeing under all circumstances the right to a fair trial and a remedy and, if deemed desirable, to undertake the drafting of such a protocol, and recommends the following draft decision to the Economic and Social Council for adoption:"

220. The draft amendment was adopted without a vote.

221. The draft decision, as amended, was adopted without a vote.

222. For the text of the decision as adopted see chapter II, section B, decision 1995/110.

223. At the same meeting the representative of Chile introduced draft resolution E/CN.4/1995/L.44 sponsored by Argentina, Bulgaria, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, France, Italy, the Netherlands, Nicaragua and Venezuela. Australia, Austria, Cuba, Finland, Hungary, Kuwait, Latvia, the Philippines, Poland, Portugal, the Republic of Korea, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

224. The representative of Chile orally revised the draft resolution as follows: in the first preambular paragraph, the words "and the Vienna Declaration and Programme of Action," were added after "the field of human rights".

225. The draft resolution, as orally revised, was adopted without a vote.

226. For the text of the resolution as adopted see chapter II, section A, resolution 1995/34.

227. At the same meeting the observer for Belgium introduced draft resolution E/CN.4/1995/L.51 sponsored by Argentina, Armenia, Australia, Austria, Belgium, Cameroon, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Guinea-Bissau, Hungary, Ireland, Italy, Jordan, Luxembourg, Madagascar, the Netherlands, Norway, Poland, Portugal, the Russian Federation, Senegal, Slovakia, Slovenia, Sweden, Switzerland, the

United Kingdom of Great Britain and Northern Ireland and the United States of America. Algeria, Chile, the Dominican Republic, El Salvador, Greece, Latvia, the Philippines, China, the Republic of Korea, Turkey and Uruguay subsequently joined the sponsors.

228. The observer for Belgium orally revised the draft resolution as follows: operative paragraph 5 which read: "Invites the Centre for Human Rights to undertake the publication of a 'fact sheet on the independence of judges and lawyers'" was deleted.

229. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

230. The draft resolution, as orally revised, was adopted without a vote.

231. For the text of the resolution as adopted see chapter II, section A, resolution 1995/36.

232. At the same meeting the observer for Portugal introduced draft resolution E/CN.4/1995/L.54 sponsored by Australia, Austria, Bulgaria, Cameroon, Canada, Costa Rica, the Czech Republic, Finland, France, Germany, Greece, Guinea-Bissau, Hungary, Ireland, Italy, Liechtenstein, New Zealand, Norway, Portugal, the Republic of Korea, Slovakia, Sweden, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Benin, Denmark, Egypt, El Salvador, Latvia, Luxembourg, Madagascar, the Netherlands and the Russian Federation subsequently joined the sponsors.

233. The observer for Portugal orally revised the draft resolution as follows: operative paragraph 6 (e), which read: "To ensure their speedy release" was replaced by a new paragraph.

234. The draft resolution, as orally revised, was adopted without a vote.

235. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/39.

236. At the 59th meeting, on 7 March 1995, the representative of Japan made a statement in explanation of his delegation's position on the adopted draft resolution.

237. At the 53rd meeting, on 3 March 1995, the representative of Canada introduced draft resolution E/CN.4/1995/L.56 sponsored by Austria, Australia, Bulgaria, Chile, Haiti, Honduras, Liechtenstein, Madagascar, Sweden and Switzerland. Argentina, Benin, Canada, the Czech Republic, Denmark, El Salvador, France, Germany, Hungary, Italy, Ireland, Japan, Latvia, Nicaragua, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

238. The representative of Canada orally revised the draft resolution as follows:

(a) In the tenth preambular paragraph, after the words "writers and authors", the word "translators," was inserted;

(b) After operative paragraph 1, a new operative paragraph was inserted;

(c) The subsequent operative paragraphs were renumbered accordingly;

(d) In operative paragraph 4, after the words "fulfil his mandate" the word "effectively," was inserted;

(e) In the new operative paragraph 8, after the words "writers and authors", the word "translators," was inserted;

(f) In the new operative paragraph 9, the words "as noted in the fourth report of the Working Group on Arbitrary Detention (E/CN.4/1995/31 and Add.1-4)" were deleted at the end of the paragraph;

(g) In the new operative paragraph 11, after the words "Urges the Special Rapporteur" the words "within the framework of his mandate" were inserted; after the words "serious concern to the Special Rapporteur" the words "or where focusing attention on the situation might prevent a deterioration of the situation" were deleted;

(h) In the new operative paragraph 15, after the words "the working groups" the word ", representatives" was inserted;

(i) In the new operative paragraph 16, the word "requested" was replaced by the words "necessary in order to permit him fully to carry out his mandate,";

(j) In the new operative paragraph 17, after the words "his observations" the words "on country situations" were deleted.

239. The draft resolution, as orally revised, was adopted without a vote.

240. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/40.

241. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1995/L.57 sponsored by Argentina, Armenia, Austria, Bulgaria, Costa Rica, the Czech Republic, Denmark, France, Germany, Ghana, Haiti, Honduras, Hungary, Israel, Italy, Liechtenstein, Mauritius, Sweden and Switzerland. Australia, El Salvador, Finland, Latvia, Madagascar, New Zealand, the Philippines, the Republic of Korea, Romania, Slovakia, South Africa, Sri Lanka and Uruguay subsequently joined the sponsors.

242. The representative of Austria orally revised the draft resolution as follows:

(a) In the last preambular paragraph, the word "paramount" was replaced by the words "a primary consideration";

(b) In operative paragraph 4, after the words "the United Nations" the word "programmes" was replaced by the word "programme", and after the words "technical assistance" the words "in the field of human rights;" were added;

(c) In operative paragraph 10, after the words "*Urges* States" the words "to ensure" were deleted, and the words "are fully reflected" were replaced by the words "be fully taken into account".

243. The draft resolution, as orally revised, was adopted without a vote.

244. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/41.

245. At the 59th meeting, on 7 March 1995, the representative of Japan made a statement in explanation of his delegation's position on the adopted draft resolution.

246. At the same meeting the Commission resumed consideration of draft resolutions submitted under agenda item 10.

247. The representative of France introduced draft resolution E/CN.4/1995/L.55, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Finland, France, Hungary, Ireland, Italy, Poland, Portugal, Slovakia and Switzerland. Chile, Germany, Madagascar, Nepal, Romania, the Russian Federation, Senegal and Sweden subsequently joined the sponsors.

248. Draft resolution E/CN.4/1995/L.55 read as follows:

"*Question of arbitrary detention*

"*The Commission on Human Rights*,

"*Recalling* its resolution 1985/16 of 11 March 1985, in which it requested the Subcommission on Prevention of Discrimination and Protection of Minorities to analyse the available information concerning the practice of administrative detention without charge or trial, and to make appropriate recommendations on the use of this practice,

"*Reaffirming* articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights,

"*Recalling* articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

"*Having taken note with appreciation*, at its forty-seventh session, of the revised report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein, "Recalling that the General Assembly, in its resolution 43/173 of 9 December 1988, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which also covers administrative detention, and that, consequently, there is no longer a purpose in treating the question of administrative detention independently, even if, in certain cases, the procedure of administrative detention gives rise to specific abuses,

"Recalling also its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992 and 1993/36 of 5 March 1993,

"Recalling further its resolution 1994/32 of 4 March 1994 under which it decided to extend the mandate of the Working Group on Arbitrary Detention for a three-year period,

"Having considered the report of the Working Group (E/CN.4/1995/31 and Add.1-4),

"Having heard the comments made during the fifty-first session of the Commission,

"1. Expresses its appreciation to the Working Group on Arbitrary Detention for the conscientiousness with which it has revised its methods of work and for the way in which it carries out its task, more particularly for recalling the importance that it attaches to respect for the procedures which it has established in its dialogue with States, and to seeking the cooperation of all those concerned by the cases submitted to it for consideration;

"2. Takes note with satisfaction of the Working Group's report, inter alia its point-by-point examination of the requests made in Commission resolution 1994/32, and thanks the experts for the rigour with which they have performed their task, in the light of the very specific nature of their mandate, in particular the investigation of cases;

"3. Requests the Working Group to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families, their relatives or their legal representatives;

"4. Invites the Working Group to continue to take account of the need to carry out its task with discretion, objectivity and independence, within the framework of its mandate;

"5. Takes note in this context of the importance that the Working Group attaches to coordination with other mechanisms of the Commission and with the treaty-monitoring bodies, as well as to the strengthening of the role of the Centre for Human Rights in such coordination, and invites it to persevere in its efforts;

"6. Takes note also of the decisions adopted by the Working Group on issues of a general nature (see E/CN.4/1995/31, sect. II) with a view to achieving better prevention and to facilitating the consideration of future cases as well as helping further to strengthen the impartiality of its work;

"7. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

"8. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging the character of the detention;

"9. Calls upon Governments concerned to pay due heed to the Working Group's decisions and, where necessary, to take appropriate steps and inform the Working Group, within a reasonable period of time, of the follow-up to the Group's recommendations so that it can report thereon to the Commission;

"10. Encourages Governments to implement the recommendations of the Working Group concerning persons who have been detained for a number of years and are mentioned in the report of the Working Group;

"11. Welcomes the invitations to conduct field missions that have been extended to the Working Group by two Governments and encourages other Governments to consider inviting the Working Group to their countries so as to enable the Group to discharge its protection mandate even more effectively and to make concrete recommendations concerning the promotion of human rights, in the spirit of advisory or technical assistance services;

"12. Also welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

"13. Expresses its concern at the fact that most cases of arbitrary deprivation of liberty are motivated by exercise of the right to freedom of opinion and expression;

"14. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without a formal declaration, non-observance of the principle of proportionality between the gravity of the measures taken and the situation concerned, too vague a definition of offences against State security, and the existence of special or emergency jurisdictions;

"15. Encourages States to endeavour to take appropriate measures to ensure that their legislation in these fields is in conformity with the relevant international instruments, and not to prolong states of emergency beyond what is strictly required by the situation, or to limit their effects;

"16. Invites the Working Group to continue its consultations with a view to devising a procedure for following up its decisions and visits;

"17. Requests the Subcommission on Prevention of Discrimination and Protection of Minorities, bearing in mind the recommendations of the final report of the Special Rapporteurs of the Subcommission on the right to a fair trial (E/CN.4/Sub.2/1994/24), to consider the possibility of undertaking a study on measures to strengthen the application of the remedy of habeas corpus as an inherent right of the person, with particular reference to its non-derogable nature;

"18. Invites the Special Rapporteurs and the Chairman of the Working Group to study, at their next meeting, the most appropriate coordination mechanisms for enhancing the efficiency of the Working Group's work and reports;

"19. Requests the Special Rapporteur on states of emergency of the Subcommission on Prevention of Discrimination and Protection of Minorities to extend assistance to Governments expressing the wish to receive it, as well as to Special Rapporteurs and Working Groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in article 4 of the International Covenant on Civil and Political Rights;

"20. Requests the Secretary-General to ensure that the Working Group really receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group;

"21. Requests the Working Group to submit a report to the Commission, at its fifty-second session, and to make any suggestions and recommendations which would enable it to discharge its task in the best possible way, in cooperation with Governments, and to continue its consultations to that end within the framework of its terms of reference;

"22. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled 'Question of the human rights of all persons subjected to any form of detention or imprisonment'."

249. The representative of France revised the draft resolution.

250. The draft resolution as revised was adopted without a vote.

251. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/59.

(a) Torture and other cruel, inhuman or degrading treatment or punishment

252. In relation to agenda item 10 (a), the Commission had before it the following documents:

United Nations Voluntary Fund for Victims of Torture: report by the Secretary-General (E/CN.4/1995/33 and Add.1);

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1992/32 (E/CN.4/1995/34);

Report of the visit by the Special Rapporteur to the Russian Federation (E/CN.4/1995/34/Add.1 and Corr.1);

Joint report of the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82: visit by the Special Rapporteur to the Republic of Colombia (E/CN.4/1995/111);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/6);

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster (E/CN.4/1995/NGO/42).

253. At the 27th meeting, on 16 February 1995, the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, introduced his report (E/CN.4/1995/34 and Add.1 and Corr.1) to the Commission.

254. In the general debate on agenda item 10 (a), statements 3/ were made by the following members of the Commission: Australia (32nd), Chile (32nd), China (30th), France (on behalf of the European Union) (26th), Russian Federation (31st), Sri Lanka (31st), Sudan (27th) and United States of America (26th).

255. The observer for Cyprus made a statement (32nd).

256. The observer for Switzerland also made a statement (32nd).

257. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (30th), Anti-Slavery International (34th), Arab Organization of Human Rights (28th), France-Libertés: Fondation Danielle Mitterrand (34th), Human Rights Watch (28th), Indian Institute for Non-Aligned Studies (28th), International Association against Torture (28th), International Committee for European Security and Cooperation (28th), International Educational Development (31st), International Federation of Human Rights (28th), Robert F. Kennedy Memorial (34th), Women's International League for Peace and Freedom (30th), World Council of Churches (28th) and World Society of Victimology (30th).

258. The Commission also heard a statement by the representative of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat (27th).

259. Statements in exercise of the equivalent to the right of reply were made by the observers for Iraq (28th) and the Syrian Arab Republic (34th).

260. At its 53rd meeting, on 3 March 1995, the Commission considered the draft resolution and draft decisions submitted under agenda item 10 (a).

261. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1995/L.52 sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Benin, El Salvador, Latvia, New Zealand, the Russian Federation, Senegal and Uruguay subsequently joined the sponsors.

262. The observer for Denmark orally revised the draft resolution as follows:

(a) In operative paragraph 10 of part A the words "taking into account requests received from" were replaced by the words "at the request of";

(b) A new paragraph was inserted as the third preambular paragraph in part B.

263. A statement concerning the draft resolution and the revision was made by the representative of Cuba.

264. The draft resolution, as orally revised, was adopted without a vote.

265. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/37.

266. At the same meeting, the Commission considered draft resolution III, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. A).

267. The draft resolution was adopted without a vote.

268. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/42.

269. At the same meeting, the Commission considered draft decision 6, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

270. The representative of the United Kingdom of Great Britain and Northern Ireland proposed that the draft decision should be amended to read as follows:

> "The Commission on Human Rights, noting resolution 1994/28 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, requests the Subcommission to reconsider its recommendation to appoint a special rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights, perpetrated on the orders of Governments or sanctioned by them, as an international crime."

271. The representative of Mexico proposed that the draft decision should be amended further by adding at the end of the amended draft decision, the words "bearing in mind the work of other United Nations bodies on this issue".

272. The draft decision, as amended, was adopted without a vote.

273. For the text of the decision as adopted, see chapter II, section B, decision 1995/111.

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

274. In relation to agenda item 10 (b), the Commission had before it the report of the Secretary-General (E/CN.4/1995/35).

275. In the general debate on agenda item 10 (b), statements 3/ were made by the following members of the Commission: Australia (32nd), Egypt (27th) and Sri Lanka (31st).

276. The observer for Cyprus made a statement (32nd).

277. The observer for Switzerland also made a statement (32nd).

278. The Commission also heard a statement by the representative of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat (27th).

279. The Commission also heard statements by the following non-governmental organization: World Council of Churches (28th).

280. At its 53rd meeting, on 3 March 1995, the Commission considered draft resolution E/CN.4/1995/L.52 (see sub-item 10 (a), paras. 260-265 above.

(c) Question of enforced or involuntary disappearances

281. In relation to agenda item 10 (c), the Commission had before it the following documents:

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36);

Report on the special process on missing persons in the territory of the former Yugoslavia, submitted by Mr. Manfred Nowak, member of the Working Group on Enforced or Involuntary Disappearances, pursuant to paragraph 24 of Commission on Human Rights resolution 1994/72 (E/CN.4/1995/37);

282. At the 27th meeting, on 16 February 1995, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevsky, introduced the report of the Working Group (E/CN.4/1995/36) to the Commission.

283. At the same meeting, the member of the Working Group on Enforced or Involuntary Disappearances, reporting on the special process of missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak, introduced his report (E/CN.4/1995/37) to the Commission.

284. In the general debate on agenda item 10 (c), statements 3/ were made by the following members of the Commission: Australia (32nd), Chile (32nd), China (27th), Colombia (27th), Croatia (32nd), Egypt (27th), Pakistan (31st), Sri Lanka (31st) and Sudan (27th).

285. The Commission also heard statements by the observers for Bosnia and Herzegovina (32nd) and Cyprus (32nd).

286. The observer for Switzerland also made a statement (32nd).

287. The Commission also heard statements by the following non-governmental organizations: Arab Lawyers Union (28th), Arab Organization for Human Rights (28th), Indian Institute for Non-Aligned Studies (28th), International Educational Development, Inc. (31st), International Falcon Movement (31st), International League for the Rights and Liberties of Peoples (30th), International Young Catholic Students (28th), Latin American Federation of Associations of Relatives of Disappeared Detainees (28th), Movement against Racism and for Friendship among Peoples (30th), Robert F. Kennedy Memorial (34th) and World Society of Victimology (30th).

288. Statements in exercise of the equivalent to the right of reply were made by the observers for Cyprus (34th), the Syrian Arab Republic (34th) and Turkey (34th).

289. At its 53rd meeting, on 3 March 1995, the observer for Croatia introduced draft resolution E/CN.4/1995/L.50 sponsored by Albania, Bosnia and Herzegovina, Croatia, Iran (Islamic Republic of), Jordan, Morocco, Pakistan, Turkey and Yemen. Afghanistan, Algeria, Austria, Bangladesh, Bulgaria, Canada, Chile, Denmark, the Dominican Republic, Egypt, El Salvador, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Kuwait, Latvia, Malaysia, Norway, Peru, Portugal, Senegal, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

290. The observer for Croatia orally revised the draft resolution as follows:

(a) In the title, the words "Special process dealing with the" were inserted at the beginning;

(b) In the first preambular paragraph, after the words "Guided by" the words "the purpose and principles of" were deleted;

(c) In the fourth preambular paragraph, after the words "'ethnic cleansing'" the words "and the armed conflict" were inserted;

(d) In operative paragraph 1, after the word "Commends" the words "and thanks" were inserted, and after the words "for his" the word "first" was inserted;

(e) In operative paragraph 2, after the words "Republic of Croatia" the words "for the cooperation extended to" were replaced by the words ",requests them to continue and expand the cooperation with".

291. The resolution, as revised, was adopted without a vote.

292. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/35.

293. At the same meeting, the representative of France introduced draft resolution E/CN.4/1995/L.53 sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, the Czech Republic, Cyprus, Denmark, Finland, France, Guinea-Bissau, Hungary, Ireland, Israel, Italy, Madagascar, Mauritius, the Netherlands, New Zealand, Norway, Poland, Portugal, Senegal, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Benin, Cuba, Greece, Latvia, Luxembourg, the Republic of Korea, Romania and the Russian Federation subsequently joined the sponsors.

294. The representative of France orally revised the draft resolution as follows:

(a) A new paragraph was inserted as the eighth preambular paragraph;

(b) A new operative paragraph was inserted as operative paragraph 4;

(c) The subsequent operative paragraphs were renumbered accordingly;

(d) In new operative paragraph 15, after the words "efforts of Governments which" the words "investigate and/or" were inserted;

(e) In new operative paragraph 16, the words "to take effective measures" were replaced by the words "to consider taking effective measures";

(f) New operative paragraph 20, which read: "Invites the Working Group to continue to assess these obstacles and to pursue its dialogue with the Governments and institutions concerned so that they are fully informed of their responsibilities with respect to the Declaration", was replaced by a new paragraph;

(g) In new operative paragraph 25, the word "Commends" was replaced by the words "Takes note of".

295. The draft resolution, as orally revised, was adopted without a vote.

296. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/38.

297. At the 59th meeting, on 7 March 1995, the representative of Egypt made a statement in explanation of his delegation's position on the adopted draft resolution.

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

298. In relation to agenda item 10 (d), the Commission had before it the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1995/38 and Add.1).

299. At the 27th meeting, on 16 February 1995, the Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Jorge Rhenán Segura, introduced the report of the working group (E/CN.4/1995/38 and Add.1) to the Commission.

300. In the general debate on agenda item 10 (d), statements 3/ were made by the following members of the Commission: Australia (32nd) and China (30th).

301. The Commission also heard statements by the following non-governmental organizations: Arab Lawyers Union (28th) and Human Rights Watch (28th).

302. At its 53rd meeting, on 3 March 1995, the observer for Costa Rica introduced draft resolution E/CN.4/1995/L.43 sponsored by Albania, Argentina, Armenia, Austria, Belgium, Bulgaria, Cameroon, Canada, Chile, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Haiti, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Madagascar, Malta, the Netherlands, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Bosnia and Herzegovina, Greece, Latvia, South Africa and the United States of America subsequently joined the sponsors.

303. The draft resolution was adopted without a vote.

304. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/33.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

305. The Commission considered agenda item 11 and its sub-items (a), (b), (c) and (d) at its 34th to 47th meetings, on 21 to 28 February, and at its 53rd meeting, on 3 March, at its 59th meeting, on 7 March, and at its 61st and 62nd meetings, on 8 March 1995. 1/

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

306. In relation to agenda item 11 (a), the Commission had before it the following documents:

Note by the High Commissioner for Human Rights (E/CN.4/1995/5 and Add.1);

Preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45 (E/CN.4/1995/42);

Report of the Secretary-General on human rights and coercive measures (E/CN.4/1995/43);

Report of the Secretary-General, submitted in accordance with paragraph 15 of Commission on Human Rights resolution 1994/48 on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (E/CN.4/1995/44);

Report of the Secretary-General on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS (E/CN.4/1995/45);

Report of the Secretary-General on development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (E/CN.4/1995/46 and Add.1);

Note by the Secretary-General (E/CN.4/1995/47);

Report of the Secretary-General submitted in accordance with paragraph 15 of Commission on Human Rights resolution 1993/51 on regional arrangements for the promotion and protection of human rights (E/CN.4/1995/51);

Report of the Secretary-General on the strengthening of the Centre for Human Rights (E/CN.4/1995/113);

Note verbale dated 13 February 1995 from the Permanent Representative of Israel to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1995/147);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/5);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1995/NGO/28).

307. At the 34th meeting, on 21 February 1995, the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, introduced her report (E/CN.4/1995/42) to the Commission.

308. In the general debate on agenda item 11 (a), statements 3/ were made by the following members of the Commission: Algeria (35th), Australia (44th), Bangladesh (44th), Bulgaria (44th), Canada (45th), Chile (45th), China (44th), El Salvador (35th), France (on behalf of the European Union) (39th), Germany (45th), India (44th), Indonesia (45th), Italy (39th), Japan (44th), Nepal (35th), Netherlands (39th), Nicaragua (45th), Poland (35th), Republic of Korea (40th), Sri Lanka (44th) and United States of America (39th).

309. The Commission also heard statements by the observers for: Cyprus (45th), Czech Republic (45th), Democratic People's Republic of Korea (35th), Iran (Islamic Republic of) (35th), Libyan Arab Jamahiriya (38th), Madagascar (40th), Malta (35th) and New Zealand (35th).

310. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (39th), Baha'í International Community (38th), Commission of the Churches on International Affairs of the World Council of Churches (39th), Human Rights Advocates (39th), Human Rights Internet (40th), Human Rights Watch (39th), Indian Institute for Non-Aligned Studies (38th), International Abolitionist Federation (47th), International Alliance of Women (40th), International Association of Democratic Lawyers (47th), International Commission of Jurists (38th), International Committee for European Security and Cooperation (43rd), International Confederation of Free Trade Unions (39th), International Educational Development (43rd), International Federation of University Women (46th), International Human Rights Law Group (46th), International Islamic Federation of Student Organizations (46th), International League for the Rights and Liberation of Peoples (40th), International Movement against All Forms of Discrimination and Racism (40th), International Work Group for Indigenous Affairs (46th), Inuit Circumpolar Conference (40th), Liberation (39th), Third World Movement Against the Exploitation of Women (40th), Women's International League for Peace and Freedom (40th), World Jewish Congress (38th).

311. At the 39th meeting, on 23 February 1995, a joint statement was made by the following non-governmental organizations: International Council of Jewish Women (on behalf of African Association of Education for Development, All

India Women's Conference, International Alliance of Women, International Association for the Defence of Religious Liberty, International Committee for European Security and Cooperation, International Council of Women, International Federation of University Women, International Federation Terre des Hommes, International League for the Rights and Liberation of Peoples, International Movement against All Forms of Discrimination and Racism, International Movement for Fraternal Union among Races and Peoples, International Youth and Student Movement for the United Nations, Pax Christi International, World Federation of Democratic Youth, World Federation of Methodist Women, Movement against Racism and for Friendship among Peoples, World Union of Catholic Women's Organizations, Zonta International).

312. The Commission also heard a statement by the International Committee of the Red Cross (40th).

313. The Commission also heard statements by the representatives of the United Nations Development Fund for Women (38th) and the United Nations Division for the Advancement of Women (35th).

314. The Commission also heard a statement by the representative of the World Health Organization (35th).

315. Statements in exercise of the right of reply or its equivalent were made by the representatives of Colombia (47th), Egypt (45th), India (40th) and Pakistan (40th) and the observers for Cyprus (47th), Iraq (45th) and Turkey (47th).

316. Statements in exercise of the second right of reply or its equivalent were made by the representatives of India (40th) and Pakistan (40th) and by the observers for Cyprus (47th) and Turkey (47th).

317. At its 53rd meeting, on 3 March 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

318. At the same meeting, Commission decided to postpone consideration of draft resolution E/CN.4/1995/L.29.

319. At its 59th meeting, on 7 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.29.

320. The representative of Nicaragua introduced draft resolution E/CN.4/1995/L.29. El Salvador, the Philippines, Poland and Venezuela subsequently joined the sponsor.

321. The representative of Nicaragua revised the draft resolution as follows:

(a) The title of the draft resolution, which read: "Obstacles to the establishment of a democratic society and requirements for the maintenance of democracy" was replaced by a new title;

(b) The third preambular paragraph, which read "Considering article 29 of the Universal Declaration of Human Rights," was deleted;

(c) In the eighth preambular paragraph, the words "7 December 1994" were replaced by the words "22 December 1994";

(d) The tenth preambular paragraph, which read "Aware that democracy encourages the emergence of political parties, trade unions and groupings representative of civilian society that are necessary for solving the social, economic, political and cultural problems of a society", was replaced by a new paragraph;

(e) The twelfth preambular paragraph, which read: "Recognizing the interdependence of economic, social, cultural and political rights and the promotion of human rights," was deleted.

(f) Operative paragraph 1, which read: "Decides to identify the obstacles to the establishment and strengthening of democracy in the political, economic, social and cultural fields", was replaced by a new paragraph;

(g) Operative paragraph 2, which read: "Also decides to place on the agenda for its fifty-second session, in 1996, an item entitled 'Relations between democracy, development and human rights'", was replaced by a new paragraph;

(h) Operative paragraph 3, which read: "Entrusts its Chairman with the task of appointing a special rapporteur to submit, at its fifty-second session, a study on the obstacles to the establishment and strengthening of democracy", was replaced by a new paragraph.

322. The draft resolution, as revised, was adopted without a vote.

323. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/60.

324. At the 53rd meeting, on 3 March 1995, the representative of Peru introduced draft resolution E/CN.4/1995/L.58 sponsored by Afghanistan, Algeria, Azerbaijan, Brazil, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Nicaragua, Paraguay, Peru, the Philippines, Uruguay and Venezuela. Cuba, Egypt, Honduras, Sri Lanka and Turkey subsequently joined the sponsors.

325. A statement concerning the draft resolution was made by the representative of India.

326. The draft resolution was adopted without a vote.

327. At the 62nd meeting, on 8 March 1995, after the adoption of the draft resolution, the representatives of Chile, France and Pakistan made statements in explanation of their delegations' positions.

328. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/43.

329. At the 53rd meeting, on 3 March 1995, the representative of Poland introduced draft resolution E/CN.4/1995/L.59 sponsored by Albania, Argentina, Australia, Austria, Bulgaria, Cameroon, Chile, Costa Rica, Cyprus, Finland, France, Germany, Israel, Nepal, Nicaragua, Peru, the Philippines, Poland, Portugal, Slovakia, South Africa, Sweden and Zimbabwe. The Czech Republic, El Salvador, Greece, Italy and Madagascar subsequently joined the sponsors.

330. The representative of Poland orally revised the draft resolution by deleting, in the thirteenth preambular paragraph, after the words "discriminatory practices", the words "with regard to access to health care, employment, education, housing and social welfare".

331. The representative of the United States of America made a statement in explanation of his delegation's position.

332. The draft resolution, as orally revised, was adopted without a vote.

333. At the 62nd meeting, on 8 March 1995, after the adoption of the draft resolution, the representative of the Netherlands made a statement in explanation of his delegation's position.

334. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/44.

335. In view of the adoption of resolution 1995/44, the Commission took no action on draft decision 7, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2- E/CN.4/Sub.2/1994/56, chap. I, sect. B).

336. At the 53rd meeting, on 3 March 1995, the representative of Cuba introduced draft resolution E/CN.4/1995/L.60 sponsored by Cuba. Angola and China subsequently joined the sponsor.

337. The representative of the United States of America made a statement in explanation of vote before the vote.

338. At the request of the representative of the United States of America, the vote was taken by roll-call.

339. The draft resolution was adopted by 24 votes to 17, with 12 abstentions. The voting was as follows:

In favour: Algeria, Angola, Brazil, Chile, China, Colombia, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Malaysia, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: Australia, Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, Benin, Bhutan, Cameroon, Côte d'Ivoire, Dominican Republic, El Salvador, Gabon, Guinea-Bissau, Malawi, Mauritius, Philippines.

340. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/45.

341. At the same meeting, the observer for Belgium introduced draft resolution E/CN.4/1995/L.63 sponsored by Armenia, Austria, Belgium, Bolivia, Croatia, Honduras, Hungary, Israel, Latvia, Romania, the Russian Federation and Ukraine. Australia, Canada, El Salvador, France, Japan, Malta, Nicaragua, the Republic of Korea, the former Yugoslav Republic of Macedonia, Togo, the United Kingdom of Great Britain and Northern Ireland, Venezuela and Zimbabwe subsequently joined the sponsors.

342. The observer for Belgium orally revised the draft resolution as follows:

(a) In operative paragraph 2, after the words "in the field of human rights", the words "in particular the setting up of a regional or subregional human rights arrangement in Asia" were deleted;

(b) In operative paragraph 7, after the words "for government personnel,", the words "including government officials engaged in the administration of justice," were deleted;

(c) In operative paragraph 9, the word "agreement" was replaced by the word "arrangements".

343. The draft resolution, as revised, was adopted without a vote.

344. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/46.

345. At the same meeting, the observer for Costa Rica introduced draft resolution E/CN.4/1995/L.64 sponsored by Afghanistan, Argentina, Armenia, Austria, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, France, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Israel, Italy, Kenya, Liberia, Madagascar, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Norway, Pakistan, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Tunisia, Ukraine, the United Republic of Tanzania, Uruguay and Venezuela. Algeria, Angola, Egypt, Jordan, Malawi, Mauritius and the Republic of Korea subsequently joined the sponsors.

346. The draft resolution was adopted without a vote.

347. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/47.

348. At the same meeting, the representative of the Republic of Korea introduced draft resolution E/CN.4/1995/L.65 sponsored by Australia,

Indonesia, Iran (Islamic Republic of), Nepal, New Zealand, the Philippines, the Republic of Korea, Sri Lanka, the Syrian Arab Republic and Thailand. Afghanistan, Bangladesh, Canada, France, Japan, Mongolia and South Africa subsequently joined the sponsors.

349. The draft resolution was adopted without a vote.

350. At the same meeting, after the adoption of the draft resolution, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement in explanation of his delegation's position..

351. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/48.

352. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1995/L.67 sponsored by Afghanistan, Albania, Australia, Austria, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Denmark, the Dominican Republic, France, Germany, Greece, Haiti, Ireland, Italy, Madagascar, Mexico, the Netherlands, Peru, Poland, Romania, the Russian Federation, Slovakia, Sweden, Switzerland, Ukraine and the United States of America. Angola, Argentina, Benin, Côte d'Ivoire, Croatia, Cyprus, Ecuador, El Salvador, Hungary, India, Nicaragua, Portugal, Senegal, Tunisia and Uruguay subsequently joined the sponsors.

353. The representative of Italy orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the words "principles and" were inserted before the word "purposes";

(b) In the third preambular paragraph, the word "catalytic" was replaced by the word "significant" and the words "national and regional" after the words "initiatives on" were deleted;

(c) In the fourth preambular paragraph, the word "_Acknowledging_" was replaced by the words "_Taking note_ of";

(d) Operative paragraph 5, which read: "_Welcomes_ the efforts of the Department of Public Information and the Centre for Human Rights with respect to computer-accessible human rights information and human rights databases", was replaced by a new paragraph;

(e) Operative paragraph 7, which read: "_Requests_ the Department of Public Information to make full use of resources available for this purpose to produce audiovisual materials on human rights issues", was replaced by a new paragraph;

(f) Operative paragraph 12, which read: "_Requests_ the High Commissioner for Human Rights to ensure close cooperation with the Centre for Human Rights and the Department of Public Information in the implementation of the aims established for the Campaign, and stresses the need for the United Nations to coordinate and harmonize the activities in the field of human rights with those of other organizations, including the International

Committee of the Red Cross, with regard to the dissemination of information on international humanitarian law, and the United Nations Children's Fund and the United Nations Educational, Scientific, and Cultural Organization, with regard to education for human rights, taking into account the launching by the United Nations General Assembly of the United Nations Decade for Human Rights Education", was replaced by a new paragraph.

354. The draft resolution, as orally revised, was adopted without a vote.

355. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/49.

356. At its 53rd meeting, on 3 March 1995, the Commission postponed consideration of draft resolution E/CN.4/1995/L.69.

357. At its 62nd meeting, on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.69.

358. The representative of Canada introduced the draft resolution sponsored by Austria, Australia, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Hungary, Ireland, Israel, Jordan, Latvia, Liechtenstein, Madagascar, Malta, the Netherlands, Nicaragua, Nigeria, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Senegal, Sweden, Switzerland, Tunisia and Turkey. Argentina, Belgium, Benin, Bolivia, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Ecuador, Gabon, the Gambia, Germany, Guatemala, Honduras, Iceland, India, Italy, Kenya, Luxembourg, Malawi, Nepal, New Zealand, Romania, Slovakia, South Africa, Spain, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zimbabwe subsequently joined the sponsors.

359. The representative of Canada orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "and noting that violence against women encompasses, but is not limited to battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, violence related to exploitation, rape, sexual abuse, sexual harassment and intimidation at work, in education institutions and elsewhere, trafficking in women and forced prostitution," were added at the end of the paragraph;

(b) The seventh preambular paragraph became the first preambular paragraph;

(c) A new paragraph was inserted as the tenth preambular paragraph;

(d) In the original tenth preambular paragraph, which read: "Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing in 1995, and mindful that the issue of violence against women is being addressed as a critical area of concern at the Conference," was replaced by a new paragraph;

(e) In operative paragraph 4, after the words "national legislation," the word "to" was inserted;

(f) In subparagraph (a) of operative paragraph 6, the word "Formulate" was replaced by the words "Consider formulating";

(g) In subparagraph (b) of operative paragraph 6, the word "Ratify" was replaced by the words "Consider ratifying";

(h) In subparagraph (d) of operative paragraph 6, the words "Ensure the provision of" were replaced by the words "Provide access to";

(i) In subparagraph (f) of operative paragraph 6, the word "Reform" was replaced by the words "Adopt all appropriate measures, especially in the field";

(j) In subparagraph (g) of operative paragraph 6, the words "practices in the name of" were inserted before the word "religion";

(k) In operative paragraph 7, the words "issue of" were inserted after the words "further the".

360. The representative of the Sudan made a statement in explanation of his delegation's position.

361. The draft resolution, as orally revised, was adopted without a vote.

362. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/85.

363. At its 53rd meeting, on 3 March 1995, the Commission postponed consideration of draft resolution E/CN.4/1995/L.70.

364. At the 62nd meeting on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.70.

365. The representative of Canada introduced the draft resolution sponsored by Australia, Austria, Brazil, Bulgaria, Canada, Costa Rica, Croatia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Hungary, Ireland, Israel, Jordan, Latvia, Liechtenstein, Madagascar, Malta, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, the Philippines, Portugal, the Republic of Korea, Senegal, Sweden, Switzerland, Tunisia and Turkey. Benin, Bolivia, Cameroon, Colombia, Côte d'Ivoire, the Gambia, Greece, Honduras, Iceland, Italy, Luxembourg, Malawi, Romania, Slovakia, South Africa, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zimbabwe subsequently joined the sponsors.

366. Draft resolution E/CN.4/1995/L.70 read as follows:

"Question of integrating the human rights of women into the human rights mechanisms of the United Nations

"The Commission on Human Rights,

"Recalling its resolution 1994/45 of 4 March 1994 on integrating the human rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women,

"Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and that steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies,

"Recalling the outcome of the World Conference on Human Rights as reflected in the Vienna Declaration and Programme of Action, which affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

"Also recalling that the Vienna Declaration and Programme of Action affirmed that the human rights of women should form an integral part of United Nations human rights activities, including the promotion of all human rights instruments as they relate to women, and urged Governments, institutions intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of the human rights of women and the girl child,

"Bearing in mind that the programme of action for the equal status and human rights of women adopted in the Vienna Declaration and Programme of Action sets out a series of measures to be taken to further the full and equal enjoyment by women of all human rights as a priority for Governments and the United Nations, and recognizing the importance of the integration and the full participation of women as both agents and beneficiaries in the development process,

"Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, "_Recognizing_ the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination and gender-based violence against women,

"_Looking forward_ to the Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing in 1995, and recognizing that the integration of women's human rights throughout the entire United Nations system will be an important part of its deliberations,

"_Recognizing_ the particular role of the Commission on the Status of Women in promoting equality between women and men, and aware that the question of the strengthening of the Commission on the Status of Women and other United Nations entities devoted to promoting the advancement of women and the coordination of women's human rights throughout the entire United Nations system will be considered at the Fourth World Conference on Women,

"_Recognizing also_ the important role of women's groups and other non-governmental organizations in promoting and defending the human rights of women,

"1. _Calls_ for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

"2. _Welcomes_ the commitment of the United Nations High Commissioner for Human Rights to promote and protect the human rights of women and, in particular, encourages his efforts to ensure that violations of the human rights of women are comprehensively included in the activities and programmes of the Centre for Human Rights, the treaty bodies, thematic and country-specific special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities;

"3. _Encourages_ the strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women;

"4. _Also encourages_ closer cooperation and coordination between the Centre for Human Rights and the Division for the Advancement of Women;

"5. _Further encourages_ the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, representatives, experts, working groups, and other mechanisms of the Commission and the Subcommission on the human rights of women, and in particular:

"(a) Requests that they regularly and systematically include in their reports information on violations of the human rights of women;

"(b) Encourages the emphasis by the persons chairing the human rights treaty bodies, in the report on their 5th meeting, that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate;

"(c) Welcomes in this regard the initiative by the Committee on the Elimination of Discrimination against Women to enhance cooperation with the other human rights treaty bodies;

"(d) Endorses the recommendation by the persons chairing the human rights treaty bodies that each treaty body consider amending its reporting guidelines to request gender-specific information from States parties to allow qualitative analysis and review of the human rights of women in periodic reports;

"(e) Requests that special rapporteurs, representatives, experts and chairpersons of the working groups of the Commission on Human Rights in future meetings on enhancing cooperation and exchange of information, address violations of the human rights of women;

"(f) Calls on the mechanisms mentioned above to cooperate with the Special Rapporteur on violence against women;

"6. Calls upon the United Nations High Commissioner for Human Rights to convene a meeting of persons chairing the human rights treaty bodies and working groups, as well as special rapporteurs, representatives and experts, to consider ways in which the human rights of women can be integrated into the reports and work of organs, bodies and mechanisms across the United Nations system and to report on progress made on this issue at the Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing in 1995;

"7. Strongly encourages the Fourth World Conference on Women to consider the question of means of integrating the human rights of women into the mainstream of United Nations system-wide activity;

"8. Invites the Secretary-General, the United Nations High Commissioner for Human Rights and the Secretary-General of the Fourth World Conference on Women to ensure an appropriate role at the Conference for relevant special rapporteurs, as well as relevant treaty bodies and special procedures of the Commission;

"9. Encourages improved cooperation among the specialized agencies and funds of the United Nations system, particularly the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund in order to promote the human rights of women through a systematic and periodic exchange of information, experience and expertise;

"10. Urges the United Nations organs, bodies and specialized agencies whose activities deal with human rights to train relevant United Nations personnel and officials, particularly human rights and humanitarian relief personnel, to assist them to recognize and deal with violations of the human rights of women and to carry out their work without gender bias, and requests the Centre for Human Rights to take action in this regard;

"11. Requests Governments and the United Nations to include in their human rights education activities information on the human rights of women;

"12. Encourages States to ratify the Convention on the Elimination of All Forms of Discrimination Against Women by the year 2000 and to limit the extent of any reservation they enter to the Convention, to formulate any reservations as precisely and as narrowly as possible, to ensure that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law and to review their reservations regularly, with a view to withdrawing them expeditiously;

"13. Renews its call to Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, in the information they provide to special rapporteurs, treaty bodies and to all other United Nations bodies and mechanisms concerned with human rights, and notes that the Vienna Declaration and Programme of Action calls on all special rapporteurs, working groups, the treaty bodies and other mechanisms of the Commission and the Subcommission to make use of such data in their deliberations and findings;

"14. Decides to continue its consideration of the question as a matter of high priority at its fifty-second session."

367. The representative of Canada orally revised the draft resolution.

368. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

369. The draft resolution, as orally revised, was adopted without a vote.

370. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/86.

371. At the 53rd meeting, on 3 March 1995, the Commission postponed consideration of draft resolution E/CN.4/1995/L.75.

372. At the 62nd meeting, on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.75.

373. At the same meeting, the observer for the Czech Republic introduced the draft resolution, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Peru, Poland, Slovakia, Spain, Sweden, Switzerland, the United States of America and Uruguay. Australia, Greece, Iceland, Jordan, Latvia, Liechtenstein, Mexico, New Zealand, Portugal, the Republic of Korea, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

374. The observer for the Czech Republic orally revised the draft resolution as follows:

(a) A new paragraph was inserted after the first preambular paragraph;

(b) A new paragraph was inserted after the fifth preambular paragraph;

(c) A new paragraph was inserted after the eighth preambular paragraph;

(d) In operative paragraph 3, the words "special rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention" were deleted and replaced by the word "procedures";

(e) In operative paragraph 4, after the words "Also encourages", the word "all" was inserted; after the word "Governments" the words "encountering problems in the field of human rights" were deleted and after the words "thematic procedures" the words "and, where appropriate" were inserted;

(f) In operative paragraph 7, the words ", and to ascertain that the material provided falls under the mandates of these procedures and contains the required elements;" were added at the end of the paragraph;

(g) Operative paragraph 8, which read: "Welcomes all appropriate measures the thematic special rapporteurs and working groups take in response to situations on human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights, as well as the Secretary-General and the competent United Nations organs and bodies;" was deleted;

(h) In operative paragraph 9, the word "Endorses" was replaced by the word "Notes";

(i) Operative paragraph 13, which read: "Encourages the High Commissioner for Human Rights to continue to strengthen cooperation among the thematic special rapporteurs, representatives, experts and members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, as well as to consider ways in which their work can be coordinated;", was deleted;

(j) In operative paragraph 16, after the word "annually" the words "sufficiently early" were inserted;

(k) In operative paragraph 18, after the word "further", the word "periodic" was deleted;

(l) A new operative paragraph was inserted after operative paragraph 19.

375. Statements in connection with the draft resolution were made by the representatives of Cuba and the Netherlands and the observer for the Czech Republic.

376. The representative of the Netherlands proposed amending the revision made by the observer for the Czech Republic in operative paragraph 7 to read: ", and asks these procedures to ascertain that the material provided falls under the mandates."

377. The resolution, as orally revised, was adopted without a vote.

378. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/87.

379. The Commission took no action on draft amendment E/CN.4/1995/L.109, introduced by Cuba on 7 March 1995. The text of the draft amendment reads as follows:

"Cuba: Draft amendment to draft resolution E/CN.4/1995/L.75

"1. In operative paragraph 9, replace "_Endorses_" by "_Notes_".

"2. Add the following new operative paragraphs:

"20. _Recommends_ that the Economic and Social Council evaluate and supervise on a regular basis the reports and information submitted by all thematic procedures in order to determine the implementation of the pertinent resolutions on the admissibility of communications on human rights with the purpose to consider the objectivity of those reports and information and if necessary to revise the appointments of the experts for such mandates;

"21. _Requests_ the Secretary-General and the Chairman of the Commission on Human Rights, in designating experts on countries and thematic procedures, to observe the principle of equitable geographical distribution, to apply criteria capable of guaranteeing the principle of pluralism, and to take into account the need for a multidisciplinary approach in order to reflect properly the diversity of historical, economic, social and cultural backgrounds of the United Nations membership;

"22. _Also requests_ the Secretary-General to submit a comprehensive report to the Commission at its fifty-second session on the geographical distribution of existing and future thematic and country procedures."

380. At its 53rd meeting, on 3 March 1995, the Commission postponed consideration of draft resolution E/CN.4/1995/L.83.

381. At its 59th meeting, on 7 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.83.

382. The representative of Cuba introduced the draft resolution sponsored by Cuba. Angola subsequently joined the sponsor.

383. The representative of Cuba orally revised the draft resolution as follows: operative paragraph 5, which read as follows: "Requests the Secretary-General to submit, through the Economic and Social Council, a report to the General Assembly at its fiftieth session on the implementation of the present resolution, identifying those measures that impede the free flow of financial remittances in violation of the human rights of documented migrants and their families in the countries of origin", was replaced by a new paragraph.

384. Statements in explanation of vote before the vote were made by the representatives of Australia and the United States of America.

385. The representative of the United States of America requested a vote; at the request of the representative of Cuba, a roll-call vote was taken on the revised draft resolution.

386. The draft resolution was adopted by 27 votes to 9, with 17 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea-Bissau, India, Indonesia, Mexico, Nicaragua, Pakistan, Peru, Sri Lanka, Sudan, Togo, Venezuela.

Against: Australia, Canada, Germany, Hungary, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Bhutan, Bulgaria, Dominican Republic, Finland, France, Malawi, Malaysia, Mauritania, Mauritius, Nepal, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Zimbabwe.

387. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/62.

388. At its 53rd meeting, on 3 March 1995, the Commission considered draft decision 8, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

389. The draft decision was adopted without a vote.

390. For the text of the decision as adopted, see chapter II, section B, decision 1995/112.

(b) National institutions for the promotion and protection of human rights

391. In relation to agenda item 11 (b), the Commission had before it the following documents:

> Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1994/54 (E/CN.4/1995/48);
>
> Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1995/NGO/28).

392. In the general debate on agenda item 11 (b), statements 3/ were made by the following members of the Commission: Algeria (35th), Cameroon (40th), Canada (39th), Colombia (35th), Cuba (45th), France (29th), India (35th), Pakistan (35th), Republic of Korea (44th), Romania (44th) and Russian Federation (44th).

393. The Commission also heard statements by the observers for: Israel (45th), Madagascar (40th), New Zealand (35th), Ukraine (45th).

394. The Commission also heard statements by the following non-governmental organizations: International Fellowship of Reconciliation (39th), Liberation (39th).

395. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1995/L.68 sponsored by Australia, Finland, the Netherlands, New Zealand, Norway, the Philippines and Slovakia. Austria, Canada, France, Greece, Indonesia, Latvia, Malawi, Mexico, Mongolia, the Russian Federation, Senegal, Spain and Sweden subsequently joined the sponsors.

396. The draft resolution was adopted without a vote.

397. The representative of Japan made a statement after the adoption of the draft resolution.

398. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/50.

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

399. In the general debate on agenda item 11 (c), statements 3/ were made by the following members of the Commission: Algeria (35th), Australia (44th), Bangladesh (44th), Bulgaria (44th), Canada (39th), Chile (45th), Colombia (35th), Cuba (45th), France (on behalf of the European Union) (34th), Indonesia (45th), Pakistan (35th), Russian Federation (44th) and Sri Lanka (44th).

400. The Commission also heard statements by the observers for: Israel (45th), Malta (35th) and Ukraine (45th).

401. The Commission also heard a statement by the following non-governmental organization: General Arab Women's Federation (45th).

402. At the same meeting, the Commission took up consideration of draft resolutions submitted under agenda item 11 (c).

403. The Commission postponed consideration of draft resolution E/CN.4/1995/L.35.

404. At its 59th meeting, on 7 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.35.

405. The representative of France, on behalf of the European Union, introduced the draft resolution, sponsored by Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Algeria, Angola, Argentina, Australia, Bangladesh, Benin, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Dominican Republic, the Gambia, Hungary, Iceland, Ireland, Japan, Latvia, Liechtenstein, Hungary, Luxembourg, Malta, Mauritania, the Netherlands, Nicaragua, Norway, the Philippines, Poland, the Republic of Korea, the Russian Federation, Senegal, Slovakia, South Africa, Switzerland, Tunisia, Turkey, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

406. The representative of France orally revised the draft resolution as follows:

(a) The fourteenth preambular paragraph, which read: "Recalling that in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity and expressed its conviction that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations", was replaced by a new paragraph;

(b) In operative paragraph 3, after the words "their respective mandates" the words "within the framework of the overall competence, authority, and decisions of the Secretary-General, the General Assembly, the Economic and Social Council and the Commission on Human Rights" were replaced by the words "under the direction and authority of the Secretary-General and within the framework of the overall competence, authority and decision of the General Assembly, the Economic and Social Council and the Commission on Human Rights";

(c) In operative paragraph 4, after the words "giving due regard to" the words "other priority activities of the United Nations related to development, to enhance the capability of the High Commissioner for Human

Rights and of the Centre for Human Rights to fulfil effectively their respective mandates" were replaced by the words "the need to finance and implement other priority activities of the United Nations related to development".

407. At the request of the representative of Cuba, consideration of draft resolution E/CN.4/1995/L.35 was postponed.

408. At the same meeting, the Commission resumed consideration of draft resolution E/CN.4/1995/L.35.

409. The representative of France further orally revised the revised draft resolution as follows: in the revised operative paragraph 4, after the words "to finance and implement", the words "other priority" were deleted.

410. The representative of India made a statement in explanation of his delegation's position on the draft resolution.

411. The representative of Cuba made a statement about the draft resolution.

412. The draft resolution, as orally revised, was adopted without a vote.

413. For the text as adopted, see chapter II, section A, resolution 1995/64.

414. At its 53rd meeting, on 3 March 1995, the Commission postponed consideration of draft resolution E/CN.4/1995/L.80.

415. At its 59th meeting, on 7 March 1995, the representative of Indonesia introduced draft resolution E/CN.4/1995/L.80, sponsored by Algeria, Bolivia, Cameroon, China, Cuba, the Democratic People's Republic of Korea, Indonesia, Iran (Islamic Republic of), Mauritania, Mexico, Myanmar, Nicaragua, Nigeria, Pakistan, South Africa, Sudan, the Syrian Arab Republic, Venezuela and Zimbabwe. Angola, Brazil, Egypt, Ethiopia, India, Iraq, Kenya, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia and Yemen subsequently joined the sponsors.

416. Statements in explanation of vote before the vote were made by the representatives of France (on behalf of the European Union), Germany, Japan and the United States of America.

417. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft resolution.

418. The draft resolution was adopted by 35 votes to 16, with 1 abstention. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, India, Indonesia, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: Australia, Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Guinea-Bissau.

419. For the text as adopted, see chapter II, section A, resolution 1995/61.

(d) Human rights, mass exoduses and displaced persons

420. In relation to agenda item 11 (d), the Commission had before it the following documents:

Report of the Secretary-General on human rights and mass exoduses (E/CN.4/1995/49);

Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolutions 1993/95 and 1994/68 (E/CN.4/1995/50 and Add.1-4 and Add.1/Corr.1 and Add.2/Corr.1).

Written statement submitted by Caritas Internationalis, the Commission of the Churches on International Affairs of the World Council of Churches and the Friends World Committee for Consultation (Quakers), non-governmental organizations in consultative status (category II) (E/CN.4/1995/NGO/8);

Written statement submitted by Refugee Policy Group, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/22);

Written statement submitted by International Educational Development and Humanitarian Law Project, non-governmental organizations on the Roster (E/CN.4/1995/NGO/46).

421. At the 34th meeting, on 21 February 1995, the Representative of the Secretary-General on the human rights issues related to internally displaced persons, Mr. Francis M. Deng, introduced his report (E/CN.4/1995/50 and Add.1-4 and Add.1/Corr.1 and Add.2/Corr.1) to the Commission.

422. In the general debate in agenda item 11 (d), statements 3/ were made by the following members of the Commission: Austria (39th), Colombia (35th), Hungary (40th), India (44th), Pakistan (43rd), Russian Federation (44th), Sri Lanka (44th), Sudan (35th) and the United States of America (39th).

423. The Commission also heard statements by the observer for Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (45th).

424. The Commission also heard statements by the following non-governmental organizations: Anti-Slavery International (45th), Caritas International (38th), Christian Democrat International (40th), Commission of the Churches on International Affairs of the World Council of Churches (38th), Friends World Committee for Consultation (38th), Human Rights Advocates (39th), Indian Institute for Non-Aligned Studies (38th), International Association against Torture (40th), International Commission of Jurists (38th), International Committee for European Security and Cooperation (43rd), International Council of Voluntary Agencies (45th), International Human Rights Law Group (46th), International Indian Treaty Council (40th), International Islamic Federation of Student Organizations (45th), International League for Human Rights (45th), International Work Group for Indigenous Affairs (45th), Pax Romana (38th) and World Society of Victimology (40th).

425. The Commission also heard a statement by the International Committee of the Red Cross (40th).

426. Statements in exercise of the right of reply or its equivalent were made by the representatives of India (45th) and Pakistan (45th) and the observer for Iraq (40th and 45th).

427. At the 53rd meeting, on 3 March 1995, the representative of Austria introduced draft resolution E/CN.4/1995/L.81 sponsored by Argentina, Australia, Austria, Bulgaria, Colombia, Costa Rica, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Nicaragua, Norway, Peru, Portugal, Switzerland and Sweden. Canada, Denmark, Ireland, the Netherlands, the Republic of Korea, the Russian Federation, Uruguay and the United States of America subsequently joined the sponsors.

428. The Commission decided to postpone consideration of the draft resolution.

429. At the same meeting the Commission resumed consideration of draft resolution E/CN.4/1995/L.81.

430. The representative of Austria orally revised the draft resolution as follows:

(a) After the fifth preambular paragraph, two new paragraphs were inserted as the sixth and seventh preambular paragraphs;

(b) In the original seventh preambular paragraph, the word "strategy" was replaced by the word "strategies";

(c) In the original tenth preambular paragraph, the word "of" was replaced by the word "for";

(d) In operative paragraph 4, the word "need" was replaced by the word "needs";

(e) In operative paragraph 7, the words "*Also calls upon*" were replaced by the word "*Invites*"; the words "extent to which his recommendations have been acted upon" were replaced by the words "measures taken thereon";

(f) In operative paragraph 9, after the words "the United Nations Development Programme," the words "the United Nations Children's Fund, the United Nations Development Fund for Women," were inserted; at the end of the paragraph the words "and encourages the representative of the Secretary-General to continue to cooperate and coordinate with them" were added;

(g) Operative paragraph 10, which read: "*Encourages* the representative of the Secretary-General to continue to cooperate and coordinate with the Office of the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and the International Committee of the Red Cross,", was deleted.

431. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

432. The representative of the Sudan made a statement in explanation of his delegation's position.

433. The draft resolution, as revised, was adopted without a vote.

434. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/57.

435. At its 59th meeting, on 7 March 1995, the Commission took up consideration of draft resolution E/CN.4/1995/L.84.

436. At the request of the representative of Canada, the Commission decided to postpone consideration of the draft resolution.

437. At its 62nd meeting, on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.84.

438. The representative of Canada introduced the draft resolution sponsored by Benin, Canada, Croatia, Finland, France, Germany, Hungary, Japan, Madagascar, the Netherlands, Norway, Poland, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. Argentina, Armenia, Australia, Denmark, Iceland, Ireland, Italy, Jordan, Latvia, Luxembourg, Nepal, New Zealand, the Republic of Korea, Romania, Senegal, Sweden, Switzerland, the United States of America and Uruguay subsequently joined the sponsors.

439. Draft resolution E/CN.4/1995/L.84 read as follows;

"Human Rights and mass exoduses: The importance of human rights in the early warning, preventive and emergency operations efforts of the United Nations

"The Commission on Human Rights,

"*Deeply disturbed* by the escalating scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

"*Recalling* its previous relevant resolutions, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people and the need for a comprehensive approach by the international community to address the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

"*Noting* that the Secretary-General, in his report entitled "An agenda for peace" (A/47/277-S/24111), identified the protection of human rights as an important element of peace, security and economic well-being and in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595) stated that humanitarian assistance was essential but must be complemented by measures to address the root causes of complex emergencies and that the establishment of inter-agency consultations on early warning served the purposes of both prevention and preparedness,

"*Welcoming* the continuation of inter-agency consultations on early warning, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both the prevention of and preparedness for emergencies,

"*Recognizing* that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights, the human rights treaty bodies and human rights field offices and operations, have important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

"*Convinced* that the activities of these mechanisms with a view, *inter alia*, to preventing mass exoduses should be encouraged and further developed and coordinated, with priority being given to the systematization of early warning information collection,

"*Welcoming* the contribution to the deliberations of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees made by the High Commissioner for Human Rights, in which he underlined the crucial importance of human rights action in the early warning, preventive and emergency operation work of the United Nations, "Recognizing that, in addition to often being the consequence of violations of human rights, forced displacements prevent the enjoyment of basic human rights by those affected and undermine the efforts of the international community to build and maintain peace and security,

"Recognizing also that women and children constitute approximately 80 per cent of most refugee populations and that, in addition to the problems and needs they share with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation,

"Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide,

"1. Welcomes the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1995/49), which is an important contribution to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

"2. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

"3. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to devote the necessary resources to the successful operation of the consultations;

"4. Invites the special rapporteurs, special representatives and working groups of the Commission, the United Nations human rights treaty bodies and the human rights field officers and operations of the United Nations to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the High Commissioner for Human Rights;

"5. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

"6. Requests the High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, to pay attention to the human rights aspects of potential situations of mass exoduses and to ensure that the relevant components of the human rights machinery of the United Nations make an effective contribution to the early warning, preventive and emergency response efforts of the United Nations;

"7. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early warning activities and to organize consultations on this issue among Governments, intergovernmental organizations, specialized agencies, relevant United Nations human rights mechanisms and non-governmental organizations;

"8. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-second session;

"9. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, and other relevant regional refugee instruments and relevant international human rights instruments;

"10. Endorses the recommendations of the Special Rapporteur on violence against women concerning the need for:

"(a) Improvement in the security and design of refugee camps;

"(b) Deployment of trained female officers at border check-points and detention centres;

"(c) Increased attention to the medical services available to refugee and displaced women and girls;

"(d) Active investigation and prosecution by States of all government and military personnel who are reported to have abused refugee women and children;

"11. Requests the Secretary-General to submit to the Commission at its fifty-second session a report, including information on and recommendations and conclusions emerging from, the action taken pursuant to the present resolution;

"12. Decides to continue its consideration of the question at its fifty-second session under the agenda item entitled 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission', under the sub-item entitled 'Human rights, mass exoduses and the displaced'."

440. The representative of Canada revised the draft resolution.

441. The draft resolution, as revised, was adopted without a vote.

442. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/88.

XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING: (a) QUESTION OF HUMAN RIGHTS IN CYPRUS; (b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

443. The Commission considered agenda item 12 and sub-item (a) at its 43rd to 56th meetings, on 27 February to 6 March, and at its 59th to 62nd meetings, on 7 to 8 March 1995. Item 12 (b) was considered by the Commission in closed session (see paras. 604-606 below). 1/

444. In relation to agenda item 12, the Commission had before it the following documents:

> Seventh periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994 (E/CN.4/1995/4);
>
> Report on the situation of human rights in Rwanda, submitted by Mr. R. Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution S-3/1 of 25 May 1994 (E/CN.4/1995/7 and Corr.1);
>
> Eighth periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994 (E/CN.4/1995/10);
>
> Report on the situation of human rights in Rwanda, submitted by Mr. René Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution S-3/1 of 25 May 1994 (E/CN.4/1995/12);
>
> Report on the special process on missing persons in the territory of the former Yugoslavia, submitted by Mr. Manfred Nowak, member of the Working Group on Enforced or Involuntary Disappearances, pursuant to paragraph 24 of Commission on Human Rights resolution 1994/72 (E/CN.4/1995/37);
>
> Report on the situation of human rights in Cuba, prepared by Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1994/71 (E/CN.4/1995/52);
>
> Report of the Secretary-General on cooperation with representatives of United Nations human rights bodies, submitted in accordance with Commission on Human Rights resolution 1994/70 (E/CN.4/1995/53);

Report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, submitted pursuant to Commission resolution 1994/72; special report on the media (E/CN.4/1995/54 and Corr.1);

Report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission, Mr. Reynaldo Galindo Pohl, pursuant to Commission on Human Rights resolution 1994/73 and Economic and Social Council decision 1994/263 (E/CN.4/1995/55);

Report on the situation of human rights in Iraq, submitted by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1994/74 (E/CN.4/1995/56);

Tenth periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994 (E/CN.4/1995/57);

Report of the Special Rapporteur, Mr. Gáspár Bíró, on the situation of human rights in the Sudan, submitted in accordance with Commission on Human Rights resolution 1994/79 (E/CN.4/1995/58);

Report on the situation of human rights in Haiti, submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in accordance with Commission resolution 1994/80 (E/CN.4/1995/59);

Report of the Secretary-General on human rights violations in Bougainville (E/CN.4/1995/60 and Add.1);

Report of the Special Rapporteur, Mr. Bacre Waly N'diaye, on extrajudicial, summary or arbitrary executions, submitted pursuant to Commission on Human Rights resolution 1994/82 (E/CN.4/1995/61 and Add.1);

Report of the Secretary-General on the situation of human rights in Bosnia and Herzegovina (E/CN.4/1995/62);

Report of the Secretary-General on the situation of human rights in southern Lebanon (E/CN.4/1995/63);

Final report on the situation of human rights in Afghanistan, submitted by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1994/84 (E/CN.4/1995/64);

Report on the situation of human rights in Myanmar, prepared by the Special Rapporteur, Mr. Yozo Yokota, in accordance with Commission resolution 1994/85 (E/CN.4/1995/65 and Corr.1);

Report of the Secretary-General on the situation of human rights in Burundi (E/CN.4/1995/66);

Report on the situation of human rights in Zaire, prepared by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission resolution 1994/87 (E/CN.4/1995/67);

Report on the human rights situation in the Republic of Equatorial Guinea submitted by Mr. Alejandro Artucio, Special Rapporteur of the Commission, pursuant to Commission resolution 1994/89 (E/CN.4/1995/68);

Report on the situation of human rights in Rwanda, submitted by Mr. René Degni-Segui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of resolution S-3/1 of 25 May 1994 (E/CN.4/1995/70);

Report on the situation of human rights in Rwanda, submitted by Mr. René Degni-Segui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of resolution S-3/1 of 25 May 1994 (E/CN.4/1995/71);

Report of the Secretary-General on the situation in East Timor (E/CN.4/1995/72);

Letter dated 17 October 1994 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1995/107);

Letter dated 2 November 1994 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva, addressed to the High Commissioner for Human Rights (E/CN.4/1995/108);

Joint report of the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye, on the visit by the Special Rapporteurs to the Republic of Colombia from 17 to 26 October 1994, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82 (E/CN.4/1995/111);

Letter dated 29 November 1994 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1995/117);

Letter dated January 1995 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1995/118);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/126);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/127);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/128);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/131);

Letter dated 27 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/133);

Note verbale dated 16 January 1995 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/136);

Note verbale dated 19 January 1995 from the Permanent Mission of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/138);

Note verbale dated 6 February 1995 from the Permanent Mission of the Republic of Georgia to the United Nations Office at Geneva, addressed to the Commission on Human Rights (E/CN.4/1995/139);

Note verbale dated 2 February 1995 from the Permanent Mission of Kuwait to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/140);

Note by the Secretariat (E/CN.4/1995/142);

Note by the Secretariat (E/CN.4/1995/143);

Letter dated 9 February 1995 from the Permanent Representative of the Republic of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/144);

Letter dated 9 February 1995 from the Permanent Representative of the Republic of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/145);

Letter dated 13 February 1995 from the Permanent Representative of Myanmar to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1995/148);

Report of the Secretary-General on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 49/197 of 23 December 1994 (E/CN.4/1995/150);

Letter dated 14 February 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/152;

Letter dated 15 February 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/153);

Letter dated 1 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of the Republic of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/156);

Letter dated 6 March 1995 from the Permanent Representative of Morocco to the United Nations Office at Geneva, Chairman of the Organization of the Islamic Conference, addressed to the Chairman of the Commission (E/CN.4/1995/160);

Letter dated 6 March 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/161);

Letter dated 6 March 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/162);

Letter dated 6 March 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/163);

Letter dated 6 March 1995 from Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/164);

Letter dated 7 March 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/165);

Letter dated 2 March 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/166);

Letter dated 6 March 1995 from the Permanent Representative of India to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/167);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/1995/NGO/3);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/16);

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/19);

Written statement submitted by Reporters Without Borders, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/20);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/1995/NGO/27);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/29);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/31);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/33).

Written statement submitted by the International Committee for European Security and Cooperation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/47.

445. At the 43rd meeting, on 27 February 1995, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1995/56).

446. At the same meeting, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, introduced his seventh, eighth and tenth periodic reports, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994 (E/CN.4/1995/4, E/CN.4/1995/10 and E/CN.4/1995/57).

447. At the 46th meeting, on 28 February 1995, the Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón, introduced his report (E/CN.4/1995/67).

448. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye, introduced his report (E/CN.4/1995/61 and Add.1).

449. At the 47th meeting, on 28 February 1995, the Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth, introduced his report (E/CN.4/1995/52).

450. At the same meeting, the Special Rapporteur on the situation of human rights in Sudan, Mr. Gáspár Bíró, introduced his report (E/CN.4/1995/58).

451. At the same meeting, the Special Rapporteur on the situation of human rights in Haiti, Mr. Marco Tulio Bruni Celli, introduced his report (E/CN.4/1995/59).

452. At the 49th meeting, on 1 March 1995, the Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Segui, introduced his reports (E/CN.4/1995/7 and Corr.1, E/CN.4/1995/12, E/CN.4/1995/70).

453. At the same meeting, the Special Rapporteur on the situation of human rights in the Republic of Guinea-Equatorial, Mr. Alejandro Artucio, introduced his report (E/CN.4/1995/68).

454. At the same meeting, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Yozo Yokota, introduced his report (E/CN.4/1995/65 and Corr.1).

455. At the 50th meeting, on 1 March 1995, a representative of the Secretariat, on behalf of the Special Representative on the situation of human rights in the Islamic Republic of Iran, Mr. Reynaldo Galindo Pohl, introduced the report of the Special Representative (E/CN.4/1995/55).

456. In the general debate on agenda item 12, statements 3/ were made by the following members of the Commission: Algeria (54th), Australia (55th), Bangladesh (53rd), Brazil (53rd), Bulgaria (54th), Cameroon (55th), Canada (50th), Chile (55th), China (49th), Cuba (47th), Egypt (51st), Ethiopia (48th), France (on behalf of the European Union) (48th), India (51st), Indonesia (55th), Japan (54th), Malawi (54th), Malaysia (55th), Mauritania (48th), Mauritius (55th), Nicaragua (53rd), Pakistan (48th), Poland (51st), Republic of Korea (55th), Russian Federation (55th), Sudan (47th and 55th), United States of America (51st), Venezuela (53rd) and Zimbabwe (55th).

457. The Commission also heard statements by the observers for: Afghanistan (54th), Albania (56th), Armenia (51st), Azerbaijan (55th), Bosnia and Herzegovina (48th), Burundi (55th), Cyprus (48th), Democratic People's Republic of Korea (56th), Equatorial Guinea (49th), Ghana (48th), Haiti (48th and 51st), Iraq (47th), Iran (Islamic Republic of) (56th), Kuwait (53rd), Lebanon (48th), Liechtenstein (55th), Myanmar (55th), Norway (55th), Papua New Guinea (49th), Portugal (51st), Rwanda (50th), Senegal (51st), Singapore (51st), Solomon Islands (51st), Syrian Arab Republic (48th), Turkey (54th) and Zaire (46th).

458. The Commission also heard a statement by the observer for Switzerland (55th).

459. The Commission also heard a statement by the observer for the Organization of the Islamic Conference (48th).

460. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (56th), American Association of Jurists (51st), Amnesty International (50th), Andean Commission of Jurists (51st), Anti-Slavery International (51st), Arab Lawyers Union (50th), Arab Organisation for Human Rights (49th), Article 19: The International Centre Against Censorship (51st), Asian Cultural Forum on Development (51st), Baha'i International Community (50th), Centre Europe-tiers monde (54th), Christian Democrat International (51st), Christian Solidarity

International (51st), Commission for the Defence of Human Rights in Central America (51st), France Libertés - Fondation Danielle Mitterrand (49th), Human Rights Advocates Inc. (54th), Human Rights Watch (50th), Indian Institute for Non-Aligned Studies (56th), Indigenous World Association (54th), International Association against Torture (51st), International Association for the Defense of Religious Liberty (49th), International Association of Democratic Lawyers (54th), International Association of Educators for World Peace (51st), International Commission of Jurists (49th), International Committee for European Security and Cooperation (51st), International Confederation of Free Trade Unions (50th), International Educational Development (51st), International Falkan Movement (56th), International Federation of Free Journalists (50th), International Federation of Human Rights (50th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (50th), International Federation of ACAT (54th), International Federation - Terre des Hommes (49th), International Human Rights Law Group (51st), International Indian Treaty Council (56th), International Islamic Federation of Student Organizations (50th), International League for Human Rights (54th), International League for the Rights and Liberation of Peoples (51st), International Movement against All Forms of Racism and Discrimination (54th), International Movement for Fraternal Union Among Races and Peoples (54th), Inter-Parliamentary Union (49th), International Peace Bureau (54th), International PEN (50th), International Work Group for Indigenous Affairs (51st), Latin American Federation of Associations of Relatives of Disappeared Detainees (51st), Liberation (51st), Minority Rights Group (51st), Movement Against Racism and for Friendship among Peoples (51st), Muslim World League (54th), Pax Christi International (51st), Pax Romana (49th), Regional Council on Human Rights in Asia (56th), Robert F. Kennedy Memorial (54th), Society for Threatened Peoples (51st), Survival International Limited (51st), Third World Movement against the Exploitation of Women (54th), Union of Arab Jurists (51st), Women's International Democratic Federation (54th), Women's International League for Peace and Freedom (51st), World Alliance of Reformed Churches (51st), World Christian Life Community (50th), World Confederation of Labour (54th), World Conference on Religion and Peace (54th), World Council of Churches (50th), World Federation of Democratic Youth (51st), World Muslim Congress (51st), World Organization against Torture (51st), World Society for Victimology (51st), World Student Christian Federation (54th) and Worldview International Foundation (54th).

461. Statements in exercise of the right of reply or its equivalent were made by the representatives of Algeria (56th), Angola (53rd), Bangladesh (51st, 56th), China (48th, 51st), Cuba (48th, 51st, 56th), Egypt (51st), Ethiopia (51st), India (48th, 51st, 56th), Pakistan (48th, 51st, 56th) and the Sudan (48th) and by the observers for Armenia (56th), Azerbaijan (56th), Bahrain (51st), Equatorial Guinea (48th, 56th), Iran (Islamic Republic of) (48th), Iraq (51st, 53rd, 56th), Kenya (51st), Kuwait (53rd), Morocco (56th), Nigeria (56th), the Syrian Arab Republic (48th), Turkey (51st) and Viet Nam (56th).

462. Statements in exercise of the second right of reply or its equivalent were made by the representatives of India (51st) and Pakistan (51st) and the observers for Armenia (56th), Iraq (53rd) and Kuwait (53rd).

Violation of human rights in the United States of America as a result of racism and racial discrimination persisting in United States society

463. On 20 February 1995, a draft resolution (E/CN.4/1995/L.26) was introduced by Cuba. The draft resolution read as follows:

> "Racism and racial discrimination as the utmost violations of human rights in the United States of America
>
> "The Commission on Human Rights,
>
> "Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,
>
> "Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken pursuant to the various international instruments in that field,
>
> "Having considered the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to the United States of America (E/CN.4/1995/78/Add.1),
>
> "Deeply concerned at the continued violation in the United States, on racial grounds, of the human rights and fundamental freedoms enumerated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments, of persons belonging to ethnic minorities, in particular African-Americans, Latinos and the indigenous peoples,
>
> "Profoundly concerned that the political and institutional system in the United States of America continues to favour the phenomena of racism and racial discrimination by, *inter alia*, the adoption of discriminatory legislation, such as the so-called Proposition 187 in the State of California and other initiatives which are directed, in particular, against migrant workers,
>
> "Alarmed at the findings of the Special Rapporteur on the situation of ethnic minorities and indigenous peoples, which show the grave patterns affecting their communities in the United States in such areas as health, employment, education, housing, political participation, the functioning of the criminal justice system, the application of the death penalty motivated on racist grounds, police brutality, incitement to racial hatred and racist violence,
>
> "Deeply concerned at arbitrary arrests, beatings, killings, imprisonment, brutal treatment of migrant workers, racist acts by the police and prison warders, discriminatory judicial practices in the United States, motivated on racist and racial discriminatory grounds,

"_Dismayed_ at the unchecked growth of neo-nazi and racist groups and of their negative influence through the United States society,

"_Recognizing_ that the widespread practices of racism and racial discrimination in the United States of America as well as the inability or unwillingness of the Government of that country to eradicate this situation provide the framework for gross and massive violations of the human rights of a wide segment of the population,

"1. _Endorses_ the conclusions and recommendations contained in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to the United States (E/CN.4/1995/78/Add.1);

"2. _Calls upon_ the Government of the United States of America to implement the recommendations of the Special Rapporteur in order to eliminate racism and racial discrimination against ethnic minorities and the indigenous peoples and to bring up to universally recognized standards the observance of human rights and fundamental freedoms and to end all violations of human rights in that country;

"3. _Decides_ to appoint a special rapporteur on the situation of racism and racial discrimination as the utmost violations of human rights in the United States of America, in view of the circumstances prevailing in that country;

"4. _Requests_ the special rapporteur to carry out his or her mandate in close coordination with the Government, as well as with non-governmental organizations and citizens of the United States;

"5. _Also requests_ the special rapporteur to present a preliminary report on his or her activities and recommendations for the eradication of this situation in the United States of America to the General Assembly at its fiftieth session and a comprehensive report to the Commission on Human Rights at its fifty-second session;

"6. _Urges_ the Government of the United States of America to cooperate fully with the special rapporteur in the fulfilment of his or her mandate;

"7. _Invites_ the special rapporteur and the thematic rapporteurs of the Commission to exchange their information and findings and to work in close cooperation on the situation of human rights in the United States of America;

"8. _Requests_ the Secretary-General to provide all necessary assistance to the special rapporteur in the fulfilment of his or her mandate;

"9. _Decides_ to remain seized of this matter;

"10. _Recommends_ the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution ... of ... 1995, decides to endorse the Commission's decision to appoint a special rapporteur on the situation of racism and racial discrimination as the utmost violation of human rights in the United States of America, in view of the circumstances prevailing in that country, and requests the Secretary-General to provide all necessary assistance to the special rapporteur in the fulfilment of his or her mandate."

464. On 3 March 1995, the representative of Cuba introduced draft resolution E/CN.4/1995/L.26/Rev.1. The revised draft resolution read as follows:

"Violation of human rights in the United States of America as a result of racism and racial discrimination persisting in United States society

"The Commission on Human Rights,

"Mindful of its duty to promote and encourage respect for human rights and fundamental freedoms for all and to prevent violations of such rights in any part of the world,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reaffirming the International Convention on the Elimination of all Forms of Racial Discrimination as well as the UNESCO Declaration on Race and Racial Prejudice,

"Reaffirming also that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken pursuant to the various international instruments in that field,

"Having considered the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to the United States of America (E/CN.4/1995/78/Add.1),

"Deploring the continued violation in the United States, on racial grounds, of the human rights and fundamental freedoms of persons belonging to ethnic minorities, in particular African-Americans, Hispanics, Asians and indigenous people,

"Concerned at the promotion and adoption in several states of the United States of America of discriminatory legislation and other initiatives directed, in particular, against migrant workers,

"Noting also with concern the situation affecting ethnic minorities in the United States in areas such as health, employment, education, housing and political participation due to racism and racial discrimination, described in the Special Rapporteur's report, "Deeply concerned at arbitrary arrests, police brutality, beatings, discriminatory judicial practices, and the application of the death penalty on racist grounds in the United States,

"Considering that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance could visit only four states of the United States of America, and the need to know how these phenomena affect the rights of people in other states of the Union,

"Considering also that the Special Rapporteur could not visit the Indian reservations, as suggested to him by some non-governmental organizations, where there are problems that come within his mandate,

"1. Takes note of the cooperation extended by the Government and people of the United States of America to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

"2. Takes note with appreciation of the report submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to the United States of America (E/CN.4/1995/78/Add.1) and endorses its conclusions and recommendations;

"3. Encourages the Government of the United States of America to consider implementing the recommendations of the Special Rapporteur in order to eliminate racism and racial discrimination against ethnic minorities and indigenous people and put an end to all violations of human rights in that country;

"4. Requests the Government of the United States to adopt effective measures to prevent racist and discriminatory propaganda and the upsurge of racist organizations;

"5. Requests the Secretary-General to appoint a special representative to develop a dialogue with the Government of the United States and its citizens on violations of human rights as a consequence of the racism and racial discrimination prevailing in United States society and the means and ways to eliminate them;

"6. Requests the special representative of the Secretary-General to carry out his or her mandate in close coordination with the Government, as well as non-governmental organizations and citizens of the United States;

"7. Also requests the special representative to present a preliminary report on his or her activities and recommendations for the eradication of this situation in the United States of America, including measures adopted in this regard by that country, to the General Assembly at its fiftieth session and a comprehensive report to the Commission on Human Rights at its fifty-second session;

"8. Decides to consider this question at its fifty-second session under the same agenda item."

465. At the 59th meeting, on 7 March 1995, the representative of Cuba introduced a revised draft resolution (E/CN.4/1995/L.26/Rev.2). The revised draft read as follows:

"Violation of human rights in the United States of America as a result of racism and racial discrimination persisting in United States society

"The Commission on Human Rights,

"Mindful of its duty to promote and encourage respect for human rights and fundamental freedoms for all and to prevent violations of such rights in any part of the world,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reaffirming the International Convention on the Elimination of all Forms of Racial Discrimination as well as the UNESCO Declaration on Race and Racial Prejudice,

"Reaffirming also that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken pursuant to the various international instruments in that field,

"Having considered the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to the United States of America (E/CN.4/1995/78/Add.1),

"Deploring the continued violation in the United States, on racial grounds, of the human rights and fundamental freedoms of persons belonging to ethnic minorities, in particular African-Americans, Hispanics, Asians and indigenous people,

"Concerned at the promotion and adoption in several states of the United States of America of discriminatory legislation and other initiatives directed, in particular, against migrant workers,

"Noting with concern the situation affecting ethnic minorities in the United States in areas such as health, employment, education, housing and political participation due to racism and racial discrimination, described in the Special Rapporteur's report,

"Deeply concerned at arbitrary arrests, police brutality, beatings, discriminatory judicial practices, and the application of the death penalty on racist grounds in the United States, "Considering that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance could visit only four states of the United States of America, and the need to know how these phenomena affect the rights of people in other states of the Union,

"Considering also that the Special Rapporteur could not visit the Indian reservations, as suggested to him by some non-governmental organizations, where there are problems that come within his mandate,

"1. Takes note of the cooperation extended by the Government and people of the United States of America to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

"2. Takes note with appreciation of the report submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his visit to the United States of America (E/CN.4/1995/78/Add.1) and endorses its conclusions and recommendations;

"3. Calls upon the United States authorities to comply fully with their obligations under the international human rights instruments to which the United States of America is a party;

"4. Encourages the United States of America to invite once again the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to visit the country in order to assess in situ the steps he may deem necessary for a resolution of these problems and to report, within the framework of his mandate, to the Commission on Human Rights at its fifty-second session;

"5. Also calls upon the United States authorities to take all necessary measures:

"(a) To ensure the enjoyment of all human rights and fundamental freedoms by all without distinction as to race;

"(b) To prevent further human rights violations motivated by racism and racial discrimination;

"(c) To guarantee the effective application of legislation against all forms of racism, racial discrimination, xenophobia and related intolerance;

"(d) To adopt effective measures to prevent propaganda of a racist and discriminatory nature, as well as the upsurge of racist organizations;

"6. Requests the Secretary-General:

"(a) To bring the present resolution to the attention of the United States authorities and to request them to indicate, as soon as possible, the action taken in pursuance of the present resolution;

"(b) To report to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-second session on the basis of the information provided by the Government of the United States on the measures taken in pursuance of the present resolution;

"(c) To take into consideration, in his reports to the General Assembly and the Commission on Human Rights, the views of non-governmental organizations concerned and United States citizens in the United States of America;

"7. Decides to consider this question at its fifty-second session under the same agenda item."

466. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

467. Statements in explanation of vote before the vote were made by the representatives of China, Mexico, the Sudan and the United States of America.

468. At the request of the representative of the United States of America, a roll-call vote was taken on the revised draft resolution.

469. The draft resolution was rejected by 32 votes to 3, with 18 abstentions. The voting was as follows:

In favour: China, Cuba, Sudan.

Against: Australia, Austria, Bangladesh, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Hungary, India, Italy, Japan, Mauritania, Mauritius, Netherlands, Pakistan, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Algeria, Angola, Bhutan, Cameroon, Côte d'Ivoire, Ecuador, Guinea-Bissau, Indonesia, Malawi, Malaysia, Mexico, Nepal, Nicaragua, Peru, Philippines, Togo, Venezuela, Zimbabwe.

470. At the 62nd meeting, on 8 March 1995, statements in explanation of vote after the vote were made by the representatives of India and Sri Lanka.

Human rights violations in the Papua New Guinea island of Bougainville

471. At the 59th meeting, on 7 March 1995, the observer for Nigeria introduced draft resolution E/CN.4/1995/L.48, sponsored by Guinea-Bissau, Nigeria and the Solomon Islands.

472. The observer for Nigeria orally revised the draft resolution as follows:

(a) In the title, after the words "Human rights violations" the word "in" was replaced by the word "on";

(b) The fifth preambular paragraph which read: "Noting with regret that the reports of these two Special Rapporteurs have not been made available to the Commission as at the date of adoption of the present resolution," was replaced by a new paragraph;

(c) In the seventh preambular paragraph, before the words "the response of the Government" the word "and" was replaced by the words "the report that the number of human rights violations on Bougainville has substantially decreased since September 1994, as well as";

(d) In the ninth preambular paragraph, after the words "Concerned that" the word "some" was replaced by the word "most";

(e) In operative paragraph 1, after the words "Expresses its gratitude to" the words "all parties to the conflict" were inserted and after the inserted words, the words "to the Government of Papua New Guinea, the Anti-Bougainville Revolutionary Army/Buka Liberation Front Resistance and the Bougainville Revolutionary Army/the organization known as the Bougainville Interim Government" were deleted;

(f) Operative paragraph 6, which read: "Requests the Representative of the Secretary-General and all the relevant thematic rapporteurs and working groups to visit the Papua New Guinea island of Bougainville to monitor the peace process and to report to the Commission at its fifty-second session;" were replaced by a new paragraph;

(g) Operative paragraph 8, which read: "Decides to remain seized of the issue under the same agenda item.", was replaced by a new paragraph.

473. A statement in connection with the revised draft resolution was made by the observer for Papua New Guinea.

474. The draft resolution, as orally revised, was adopted without a vote.

475. At the 62nd meeting, on 8 March 1995, statements were made by the representatives of India and the United States of America in explanation of their delegations' positions.

476. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/65.

Situation of human rights in Cuba

477. At the 59th meeting, on 7 March 1995, the representative of the United States of America introduced draft resolution E/CN.4/1995/L.74, sponsored by Albania, Australia, Belgium, Bulgaria, the Czech Republic, Finland, France, Germany, Hungary, Japan, the Netherlands, Norway, Poland, Romania, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Canada, Denmark, Iceland, Ireland, Luxembourg, Kuwait, Portugal, the Republic of Korea, Slovakia and Switzerland subsequently joined the sponsors.

478. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

479. A statement in explanation of vote before the vote was made by the representative of Cuba.

480. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution.

481. The draft resolution was adopted by 22 to 8 votes, with 23 abstentions. The voting was as follows:

In favour:	Australia, Austria, Bulgaria, Canada, Chile, Dominican Republic, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Nicaragua, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.
Against:	Angola, China, Cuba, Guinea-Bissau, India, Indonesia, Nepal, Sudan.
Abstaining:	Algeria, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Colombia, Côte d'Ivoire, Egypt, El Salvador, Ethiopia, Gabon, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Pakistan, Peru, Philippines, Sri Lanka, Togo, Zimbabwe.

482. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/66.

Human rights situation in southern Lebanon and the Western Bekaa

483. At the 59th meeting, on 7 March 1995, the representative of Egypt introduced draft resolution E/CN.4/1995/L.76, sponsored by Algeria, Bahrain, Bangladesh, Egypt, Indonesia, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Qatar, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen. Cuba and Pakistan subsequently joined the sponsors.

484. The representative of the United States of America requested a vote. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution.

485. The draft resolution was adopted by 48 votes to 1, with 4 abstentions. The voting was as follows:

In favour: Algeria, Australia, Austria, Bangladesh, Bhutan, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, India, Indonesia, Italy, Japan, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Togo, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Benin, Dominican Republic, Philippines.

486. For the text as adopted, see chapter II, section A, resolution 1995/67.

Situation of human rights in China

487. At the 59th meeting, on 7 March 1995, the representative of France, on behalf of the European Union, introduced draft resolution E/CN.4/1995/L.86, sponsored by Austria, Belgium, Canada, Costa Rica, the Czech Republic, Denmark, the Dominican Republic, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia subsequently joined the sponsors. The draft resolution read as follows:

"Situation of human rights in China

"The Commission on Human Rights,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Recalling that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under international instruments in this field, as reaffirmed in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

"Recognizing the successful efforts of China to better the economic situation of the country and to reduce the share of its people living in extreme poverty, thus improving the enjoyment of economic rights, "Taking note of certain recent positive developments in the situation of human rights in China, in particular steps towards reform of the Chinese legal system,

"Concerned, however, at continuing reports of violations of human rights and fundamental freedoms throughout China, including inadequate protection of the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others,

"Taking note of the reports of the Special Rapporteurs on the question of torture (E/CN.4/1995/34), on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61) and on religious intolerance (E/CN.4/1995/91), as well as the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36),

"1. Expresses its concern at continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to freedom of assembly, association, expression and religion, as well as to due legal process and a fair trial;

"2. Calls upon the Government of the People's Republic of China to take further measures to ensure the observance of all human rights, including the rights of women, and to improve the impartial administration of justice;

"3. Welcomes the willingness of the Government of the People's Republic of China to enter into bilateral dialogues on human rights and its acceptance of a visit by the Special Rapporteur on religious intolerance;

"4. Invites the Government of the People's Republic of China to cooperate with all thematic special rapporteurs and working groups;

"5. Requests the Secretary-General to bring the present resolution to the attention of the Government of the People's Republic of China and to submit a report to the Commission on Human Rights at its fifty-second session on the situation of human rights in China."

488. A statement in connection with the draft resolution was made by the representative of China.

489. Under rule 65, paragraph 2, of the rules of procedure of functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on draft resolution E/CN.4/1995/L.86.

490. Statements in connection with that motion were made by the representatives of Angola, Australia, Bangladesh, China, Cuba, Hungary, India, Mauritania, Pakistan, the Republic of Korea, Sri Lanka, the Sudan, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

491. Statements in explanation of vote before the vote were made by the representatives of Angola, the Republic of Korea and the United Kingdom of Great Britain and Northern Ireland.

492. At the request of the representative of China, a roll-call vote was taken on the motion.

493. The motion was rejected by 22 votes to 22, with 9 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Bhutan, Cameroon, China, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Gabon, India, Indonesia, Malaysia, Mauritania, Nepal, Pakistan, Peru, Sri Lanka, Sudan, Togo, Zimbabwe.

Against: Australia, Austria, Bulgaria, Canada, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Guinea-Bissau, Hungary, Italy, Japan, Netherlands, Nicaragua, Philippines, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, the United States of America.

Abstaining: Benin, Brazil, Chile, Colombia, Malawi, Mauritius, Mexico, Republic of Korea, Venezuela.

494. At the 60th meeting, on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.86.

495. Statements in connection with the draft resolution were made by the representatives of Poland and the United States of America.

496. A statement in explanation of vote before the vote was made by the representative of China.

497. At the request of the representative of China, a roll-call vote was taken on the draft resolution.

498. The draft resolution E/CN.4/1995/L.86 was rejected by 21 votes to 20, with 12 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Canada, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Guinea-Bissau, Hungary, Italy, Japan, Netherlands, Nicaragua, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Angola, Bangladesh, Bhutan, Cameroon, China, Côte d'Ivoire, Cuba, Gabon, India, Indonesia, Malaysia, Mauritania, Nepal, Pakistan, Peru, Russian Federation, Sri Lanka, Sudan, Togo, Zimbabwe.

Abstaining: Benin, Brazil, Chile, Colombia, Egypt, Ethiopia, Malawi, Mauritius, Mexico, Philippines, Republic of Korea, Venezuela.

499. At the 62nd meeting, on 8 March 1995, statements in explanation of vote after the vote were made by the representatives of Côte d'Ivoire, France and Mexico.

Situation of human rights in the territory of the former Yugoslavia: violations of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

500. On 2 March 1995 the observer for Turkey introduced draft resolution E/CN.4/1995/L.87, sponsored by Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Egypt, Iran (Islamic Republic of), Malaysia, Morocco, Pakistan, Turkey and Yemen. The draft resolution read as follows:

"Situation of human rights in the Republic of Bosnia and Herzegovina

"The Commission on Human Rights,

"Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1977, as well as other instruments of international humanitarian law, the principles and commitments undertaken by the States members of the Organization on Security and Cooperation in Europe and the principles of the London Conference,

"Gravely concerned by the human rights situation and particularly by the ongoing odious practice of "ethnic cleansing", which is a form of genocide and whose principal victims are the Bosnian population, which is threatened with virtual extermination, as well as Croats and other non-Serbs, in the areas of the Republic of Bosnia and Herzegovina under the control of the self-proclaimed Bosnian Serb authorities,

"Reiterating the commitment of the international community to the territorial integrity, sovereignty and political independence of the Republic of Bosnia and Herzegovina,

"Gravely concerned that rape and other forms of inhuman and degrading treatment of women and children continue to be used as a deliberate instrument of war and ethnic cleansing in the areas of the Republic of Bosnia and Herzegovina under Bosnian Serb control, "Deeply aware that the aggression against the territorial integrity of the Republic of Bosnia and Herzegovina is a cause of the current human rights violations in Bosnia and Herzegovina as recently witnessed in the Bihac United Nations safe area,

"Aware of the legitimate right to self-defence of a State Member of the United Nations, as stipulated in Chapter VII of the Charter of the United Nations, and of the detrimental effects of the arms embargo on the protection of life and other human rights in the Republic of Bosnia and Herzegovina,

"Gravely concerned that despite the efforts of the international community, just and durable peace in the Republic of Bosnia and Herzegovina has not yet been achieved, further prolonging the tragedy of the people and violations of human rights and the principles of humanitarian law in this Republic,

"Mindful that the mutual recognition of all new States on the territory of the former Yugoslavia within their internationally recognized borders and the acceptance of the International Contact Group Peace Plan by the self-proclaimed Bosnian Serb authorities would greatly benefit the achievement of a peaceful solution and reconciliation, as well as the improvement of the human rights situation in the areas concerned,

"Recalling the decision of the World Conference on Human Rights on 15 June 1993 (A/CONF.157/24 (Part I) sect. IV) to appeal to the Security Council to take the necessary measures to end the genocide taking place in the Republic of Bosnia and Herzegovina,

"Recalling also the Order of the International Court of Justice of 8 April 1993 for provisional measures, reaffirmed on 13 September 1993, that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking under the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide,

"Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992, 1993/7 and 1993/8 of 23 February 1993, 1994/72, 1994/75 and 1994/77 of 9 March 1994, General Assembly resolution 49/196 of 23 December 1994 and all relevant resolutions of the Security Council,

"Recalling also Security Council resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac, Srebrenica and their surroundings should be effectively treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to those areas,

"Condemning in the strongest terms all violations of human rights and international law in the Republic of Bosnia and Herzegovina particularly in the areas under the control of the self-proclaimed Bosnian Serb authorities, and recognizing that the leadership of the Bosnian Serbs, the commanders of the Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of those violations,

"Noting with anguish the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36), and in particular the seventh, eighth, ninth and tenth periodic reports of the Special Rapporteur (E/CN.4/1995/4, E/CN.4/1995/10, A/49/641-S/1994/1292 and E/CN.4/1995/57),

"Welcoming the nomination of prosecutors of the International Tribunal established by the Security Council in its resolution 808 (1993) of 22 February 1993 and the progress made by the prosecutors of the Tribunal through the series of indictments announced by it,

"Urging the self-proclaimed Bosnian Serb authorities to cooperate fully with the International Tribunal, and calling on the Government of Bosnia and Herzegovina and the international community to continue to support the mission of the International Tribunal with a view to bringing to justice all persons who perpetrate or authorize serious violations of universal international human rights and humanitarian law or fail to prevent such violations while being able to do so,

"Commending the Special Rapporteur for his activities and, in particular, his courage and objectivity in accomplishing his mandate under most trying circumstances, urging the self-proclaimed Serb authorities to cooperate fully with the Special Rapporteur, and calling on the Government of the Republic of Bosnia and Herzegovina, as well as the international community, to continue to support his mission,

"Noting with appreciation the achievements realized towards enhancing friendly relations between Bosnians and Croats as constituent peoples through the process of the Federation of Bosnia and Herzegovina established by the Washington Agreement of 18 March 1994, which also constitutes a democratic model for the reconciliation of all the peoples of Bosnia and Herzegovina and which has tangibly improved the human rights situation and facilitated the delivery of humanitarian supplies in the territories of the Republic of Bosnia and Herzegovina,

"Drawing the attention of the international community to the importance of an urgent rehabilitation and reconstruction programme for utility services and production capacity for basic needs with a view to enhancing the living standards and human rights situation in the Republic of Bosnia and Herzegovina,

"Calling on the international community to take all appropriate measures for the provision of necessary medical and psychological care to victims of rape, within the framework of programmes to rehabilitate women and children traumatized by war, and for coordination by all concerned in support of the social integration of child victims,

"Encouraging the international community, acting through the United Nations and other international organizations, as well as bilaterally, to enhance its humanitarian support for the Republic of Bosnia and Herzegovina,

"1. Strongly condemns the specific violations identified by the Special Rapporteur in his reports, most of which are committed in connection with the policy of "ethnic cleansing" and genocidal acts by the self-proclaimed Bosnian Serb authorities, and which include mass killings, torture, disappearances, rape and other sexual abuses against women and children, use of civilians as human shields on confrontation lines and as mine clearers, arbitrary executions, destruction of houses, religious objects and cultural and historical heritage, forced and illegal evictions, the cynical levy of fees on persons forced to flee persecution, detentions, arbitrary searches and other acts of violence;

"2. Condemns the indiscriminate shelling and besieging of cities and civilian areas, the systematic terrorization and murder of non-combatants, including by sniper fire, the destruction of vital services and the use of military force against civilian populations and relief operations, including the use of cluster and napalm bombs against civilian targets by Bosnian and Croatian Serb forces;

"3. Strongly condemns the systematic impediment of humanitarian operations by the self-proclaimed Bosnian Serb authorities and the self-proclaimed Serb authorities in the occupied part of the Republic of Croatia, and particularly the obstruction of humanitarian relief convoys forwarded to besieged areas and towns;

"4. Strongly reaffirms that in order to achieve a peaceful and lasting solution and to improve the human rights situation in the Republic of Bosnia and Herzegovina, the right of safe return to their homes in safety and dignity of all refugees and displaced persons victims of the "ethnic cleansing" and the invalidity of forcible territorial gains and of forced transfers of property and other acts under duress must be effectively recognized and that the practice and the consequences of "ethnic cleansing" in no way should be legitimized;

"5. Strongly condemns the continued refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the self-proclaimed Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in territories under their control;

"6. Strongly condemns the self-proclaimed Bosnian Serb authorities for gravely violating the Cessation of Hostilities Agreement concluded on 31 December 1994, as exemplified in the safe area of Bihac;

"7. Demands immediate, firm and resolute action by all concerned parties and the international community to put an end to all human rights violations and breaches of international law, including the commission of the crime of genocide and the practice of "ethnic cleansing", so as to secure a just and lasting peace in the Republic of Bosnia and Herzegovina;

"8. Strongly urges the international community to continue to support the ongoing peace process through acceptance by all sides of the International Contact Group Peace Plan on Bosnia and Herzegovina as defined on 31 July 1994, and to exert all pressure on the self-proclaimed Bosnian Serb authorities to accept the Peace Plan proposed by the Contact Group;

"9. Stresses the importance of the maintenance by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the effective closure of that border and of further efforts by them to enhance the effectiveness of that closure, including by the prosecution of persons suspected of violating measures to that end and by sealing border crossing points as requested by the Mission of the International Conference on the Former Yugoslavia;

"10. Solemnly reminds the international community that the arms embargo at present imposed on the Government of Bosnia and Herzegovina seriously contributes to the continuation of the violation of human rights and humanitarian principles in the territory of Bosnia and Herzegovina by impeding the exercise of the right to self-defence of the Republic of Bosnia and Herzegovina;

"11. Invites the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in the context of his mandate, to take particularly into account continued grave violations of human rights in the Republic of Bosnia and Herzegovina and to report accordingly;

"12. Requests the Secretary-General to report to the Commission at its fifty-second session on the implementation of the present resolution under agenda item 12, and on the implementation of all other human rights resolutions adopted by the relevant United Nations bodies regarding the human rights situation in the territory of the Republic of Bosnia and Herzegovina."

501. The draft resolution was subsequently withdrawn by its sponsors.

502. On 2 March 1995, a draft resolution (E/CN.4/1995/L.88) was submitted by Bulgaria, Croatia, Germany, Hungary, Norway, Poland and the United States of America. The draft resolution read as follows:

"Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

"The Commission on Human Rights,

"_Mindful_ of its duty to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

"_Recalling_ its past resolutions and the relevant resolutions and decisions of the General Assembly, the Security Council and the World Conference on Human Rights,

"_Dismayed_ by the continuation of the human tragedy addressed in those resolutions and decisions, and by the associated massive and systematic violations of human rights, especially in Bosnia and Herzegovina,

"_Repelled_ by the odious practice of "ethnic cleansing", directed principally against the Bosnian population, and emphasizing once again the right of all its victims to return to their homes in safety and dignity, the invalidity of forcible territorial gains and of forced transfers of property and other acts under duress,

"_Deeply concerned_ that rape and other forms of inhuman and degrading treatment of women and children continue to be used as a deliberate instrument of war and "ethnic cleansing", particularly in the Republic of Bosnia and Herzegovina,

"_Dismayed_ by the number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in the Republic of Croatia, and noting in this regard the report of the expert member of the Working Group on Enforced or Involuntary Disappearances on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37),

"_Deeply concerned_ about the situation of human rights in Serbia and Montenegro, particularly in Kosovo but also in Sandjak and in Vojvodina, and about the situation of the Bulgarian minority,

"_Noting with special appreciation_ the continuing efforts of the Special Rapporteur and those under his direction, both in field offices and at the Centre for Human Rights, and regretting that the Special Rapporteur still has not been allowed to open an office in the Federal Republic of Yugoslavia (Serbia and Montenegro),

"_Grateful_ for the work of the special mechanisms of the Commission on Human Rights and of all those involved in the humanitarian relief effort, including the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the officers and personnel of the United Nations Protection Force,

"_Noting with interest_ the meeting convened on 3 February 1995 by the High Commissioner for Human Rights, after consultation with the Secretary-General and his Special Representative, to develop, in close coordination with other United Nations bodies operating in Bosnia and Herzegovina, a coordinated and more effective response to human rights requirements in that country (E/CN.4/1995/98, para. 31), "_Sustained by_ the international community's continued determination to bring a peaceful, just and lasting resolution to the conflicts in Bosnia and Herzegovina and in Croatia, and supporting the continuing efforts of all who seek to bring about a peaceful resolution to the conflict,

"_Welcoming_ especially in this regard the efforts of the International Conference on the Former Yugoslavia, its Co-Chairmen and Steering Committee,

"_Welcoming_ in particular the efforts undertaken by representatives of the international community to assist the parties in reaching a settlement of the conflict in Bosnia and Herzegovina and to achieve a cease-fire, the signature of an economic agreement and the eventual resolution of the political situation in Croatia, as well as the role played by the United Nations Protection Force under very difficult circumstances, the activities of the European Commission Monitoring Mission and the European Union administration of Mostar, the constitutional provisions for the protection of human rights and other aspects of the Federation agreements of Washington and Vienna, and other proposals which could, if accepted by all parties, lead to a substantial improvement in the human rights situation of members of all ethnic groups in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

"_Welcoming_ in this regard the signature of the comprehensive cease-fire agreement on 23 December 1994, in which the Government of Bosnia and Herzegovina and the self-proclaimed Bosnian Serb authorities agreed to protect the human rights of those persons residing within the territory under their control in accordance with international standards, to prompt an unconditional release of all detainees, including prisoners of war, and to release all available information on missing persons, and of the Agreement on Complete Cessation of Hostilities signed on 31 December 1994, in which the same parties also agreed to ensure full freedom of movement for the United Nations Protection Force and other international agencies in order to implement the agreement, to monitor human rights and to deliver humanitarian aid,

"1. _Commends and thanks_ the Special Rapporteur for his continued tenacity in fulfilling his mandate under the most trying circumstances, and for the light shed by his important reports, in particular his latest reports (E/CN.4/1995/54 and Corr.1, E/CN.4/1995/57) and notes that his continuing activity can be a force to reduce human rights violations in the region;

"2. _Again deplores and strongly condemns_ the continued refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the self-proclaimed Bosnian Serb authorities, as described in the reports of the Special Rapporteur, to permit the Special Rapporteur to conduct investigations in territories under their control, as mandated by the Commission;

"3. Reaffirms the responsibility of all parties to the conflict to find peaceful solutions through negotiations and fully to protect human rights at all times;

"4. Condemns categorically all violations of human rights and international humanitarian law by all sides and, while recognizing that primary responsibility for most of these violations is borne by the leadership in territory under Serb control and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro), notes that violations have been committed by all of the parties to the conflict;

"5. Demands immediate, firm and resolute action by the international community to stop all human rights violations, to secure a just and lasting peace in Bosnia and Herzegovina, and to bring those responsible to trial;

"6. Expresses alarm at the conclusions of the Special Rapporteur that nationalistic rhetoric and sweeping attacks and slurs against other national groups have been a dominant feature of reports propagated in some media in Croatia and in Bosnia and Herzegovina but especially in a systematic way by most media of the Federal Republic of Yugoslavia (Serbia and Montenegro), and particularly media under the control of the self-proclaimed Bosnian Serb authorities, as described in the reports of the Special Rapporteur, and of the self-proclaimed Serb authorities in parts of the Republic of Croatia, and that this phenomenon has led directly to the commission of fearful atrocities on the battlefields and throughout the territory, underlines in this regard the importance of ensuring the existence of independent media, and calls for immediate action by each Government to implement the recommendations by the Special Rapporteur in this regard (E/CN.4/1995/54, paras. 211-216);

"7. Again denounces continued deliberate and unlawful attacks and use of military force against civilians and other protected persons by all sides, recognizing that the primary though not the sole responsibility lies with the Serbian forces;

"8. Condemns the continuation, particularly in the areas of Banja Luka, Prijedor and Bijeljina, of the heinous and illegitimate acts identified by the Special Rapporteur as elements of "ethnic cleansing", while commending the courage and sacrifice of the many Serbs who continue to refuse to take part in such violations, and urges the international community to use all its influence on the parties, in particular the authorities in parts of Croatia and Bosnia and Herzegovina under Serbian control and occupation, to end it immediately and to reverse its effects;

"9. Also condemns all deliberate and arbitrary impeding of the delivery of food, medical and other supplies essential for the civilian population, in particular of the Bihac area, which can constitute a serious violation of international humanitarian law, and of medical evacuations, as well as attacks on and continued harassment of the United Nations Protection Force and on personnel working with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations, which have caused injuries to and the death of those who seek to protect civilians and to deliver humanitarian assistance, and demands that all parties ensure that all persons under their control cease all such attacks and acts of harassment;

"10. Renews its expression of outrage at the use of the systematic practice of rape as a weapon of war against women and children and as an instrument of "ethnic cleansing" in the areas of armed conflict in the territory of the former Yugoslavia, and again recognizes that rape in these circumstances constitutes a war crime;

"11. Reaffirms that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible and accountable, and should be brought to justice in accordance with internationally recognized principles of due process;

"12. Welcomes in this connection the expanding activities of the International Tribunal established pursuant to Security Council resolution 827 (1993) of 25 May 1993, and in this context requests States, as a matter of urgency, to make available to the International Tribunal resources, services and expert personnel, including experts in the prosecution of crimes of sexual violence, as recommended by the General Assembly, and encourages voluntary contributions from intergovernmental and non-governmental organizations so that the Tribunal may conduct without any further delay its stipulated functions of trying those accused of and punishing those responsible for violations of international law;

"13. Also welcomes the progress made by the Prosecutor of the International Tribunal, as shown by the series of indictments announced by the Tribunal, and expresses its support for this crucial effort to investigate and prosecute persons suspected of having committed serious violations of international humanitarian law;

"14. Reaffirms that States are to be held accountable for violations of human rights, that they have the obligation to enforce respect for human rights and that they should ensure that those responsible for violations are brought to trial;

"15. Requests all States, as required under Security Council resolution 827 (1993), to cooperate with the International Tribunal in providing information and evidence for investigations and trials and in the apprehension and surrender of persons accused of crimes within the jurisdiction of the Tribunal;

"16. Again urges the Special Rapporteur, all United Nations bodies, including the United Nations Protection Force and the United Nations human rights treaty bodies, specialized agencies, Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Prosecutor of the International Tribunal and provide him on a continuing basis with all relevant and accurate information in their possession related to his task;

"17. Demands the immediate internationally supervised release of all persons arbitrarily or otherwise illegally detained and the immediate closure of all places of detention not authorized by and in compliance with the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto;

"18. Reiterates its demand that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention, and that there be immediate, unimpeded and continued access to such places by the International Committee of the Red Cross, the Special Rapporteur and other relevant international and regional organizations;

"19. Commends and thanks the expert member of the Working Group on Enforced and Involuntary Disappearances for his first report on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37);

"20. Requests the Governments of Croatia and of Bosnia and Herzegovina to continue and expand their cooperation with the special process, and strongly urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to begin promptly such cooperation by inviting the expert to visit the country and by disclosing all relevant available information and documentation in order finally to determine the fate of thousands of missing persons and to alleviate the suffering of their relatives;

"21. Requests the expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process on missing persons in the territory of the former Yugoslavia to continue his efforts and to submit a report on his activities to the Commission at its fifty-second session;

"22. Requests the Secretary-General to continue providing the special process with the necessary resources, from within available resources of the regular budget of the United Nations, so that it is enabled to perform its functions continuously and expeditiously;

"23. Expresses its grave concern at the continued deterioration of the human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro), particularly in Kosovo, as described by the Special Rapporteur, and again condemns the violations of human rights occurring there, including police brutality, arbitrary killings, searches, seizures and arrests, torture and ill-treatment, the closure of Albanian secondary schools and the Albanian University, the elimination of the Albanian language in public administration and services, mass dismissals of ethnic Albanians, discriminatory laws and the attempt to change the ethnic structure of Kosovo, as well as prevention of the return of Albanians from abroad;

"24. Again demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, recalling that the best means to prevent the possible escalation of the conflict is to safeguard human rights, restore genuine autonomy and establish democratic institutions in Kosovo;

"25. Expresses its grave concern at renewed reports of violations of human rights in Sandjak and in Vojvodina and concerning members of the Bulgarian minority, as noted by the Special Rapporteur, while commending the courage and sacrifice of many Serbs who continue to refuse to take part in such violations;

"26. Urges all parties in Serbia and Montenegro, particularly in Kosovo, Sandjak and Vojvodina, to engage in a substantive dialogue, under the auspices of, among others, the International Conference on the Former Yugoslavia and the Organization for Cooperation and Security in Europe, to act with the utmost restraint and to settle disputes peacefully and with full respect for human rights;

"27. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) permit entry into Kosovo, Sandjak and Vojvodina of United Nations observer missions and field officers of the Special Rapporteur and resumption of the missions of long duration of the Organization for Security and Cooperation in Europe;

"28. Expresses its serious concern at the prevalence of lawlessness in the Serbian-controlled territories of Croatia and the lack of adequate protection for Croatian and other non-Serb populations remaining in the Serb-controlled municipalities, where these populations continue to experience physical violence and insecurity, as reported by the Special Rapporteur;

"29. Welcomes the efforts by the Governments of the Republic of Croatia and the Republic of Bosnia and Herzegovina to uphold human rights in their territories, urges them to fulfil the human rights commitments they have made, and in particular asks the Republic of Croatia to eliminate the arbitrary practices on the part of the Croatian authorities, as reported by the Special Rapporteur;

"30. Condemns the continuation of "ethnic cleansing" in areas under the control of the self-proclaimed Serb authorities in the United Nations Protected Areas;

"31. Notes with concern that many of the Special Rapporteur's past recommendations have not been fully implemented, in some cases because of resistance by the parties on the ground, and again strongly urges the parties, all States and relevant organizations to give immediate consideration to them;

"32. Recommends that there be a human rights component in any internationally negotiated arrangements for Bosnia and Herzegovina and that implementation of such component be conducted in close cooperation with the High Commissioner for Human Rights, the Special Rapporteur and the Centre for Human Rights;

"33. Decides to extend for one year the mandate of the Special Rapporteur as defined in its resolution 1994/72, and requests that he continue his vital efforts, especially by carrying out all such additional missions as he deems necessary, in particular to the Federal Republic of Yugoslavia (Serbia and Montenegro), and that he continue to submit periodic reports, as appropriate, to the Commission and the General Assembly, and to request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the International Conference on the Former Yugoslavia;

"34. Requests the Secretary-General to take steps to assist in obtaining active cooperation by all United Nations bodies to implement the present resolution and, pursuant to paragraph 28 of General Assembly resolution 49/196, to make available, within the overall budgetary framework of the United Nations, all necessary resources requested by the Special Rapporteur, including for his field staff, to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the countries under his mandate in order to provide first-hand, timely reports on the situation of human rights there and to ensure coordination with other United Nations bodies involved, including the United Nations Protection Force;

"35. Decides to remain seized of the matter and to consider the reports of the Special Rapporteur at its fifty-second session under the relevant agenda item."

503. On 3 March 1995 the observer for Albania introduced draft resolution E/CN.4/1995/L.99, sponsored by Afghanistan, Albania, Bosnia and Herzegovina, Egypt, Iran (Islamic Republic of), Malaysia, Morocco, Pakistan, Senegal, Turkey and Yemen. The draft resolution read as follows:

"Situation of human rights in Kosovo

"The Commission on Human Rights,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments,

"Recalling its resolutions 1992/S-1/1 of 14 August 1992, 1993/7 of 23 February 1993, 1994/72 and 1994/76 of 9 March 1994, decision 1992/103 of 13 August 1992 and resolution 1993/9 of 20 August 1993 of the Subcommission on Prevention of Discrimination and Protection of Minorities, General Assembly resolution 49/196 of 14 December 1994 and all relevant resolutions of the Security Council, "_Noting_ the continuing deterioration of the human rights situation in Kosovo as described in the ninth and tenth reports of the Special Rapporteur on the situation of human rights in the former Yugoslavia, (A/49/641-S/1994/1252 and E/CN.4/1995/57),

"_Recalling in particular_:

"(a) Police brutality against ethnic Albanians, killings, arbitrary searches, seizures and arrests, torture and ill-treatment of detainees and discrimination in the public administration;

"(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, mass dismissals of ethnic Albanians, discrimination against Albanian pupils and teachers of primary schools, the closing of the Albanian-language secondary schools and university, as well as the closing of Albanian cultural and scientific institutions;

"(c) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

"(d) The dismissals of doctors and members of other categories of the medical profession of ethnic Albanian origin from clinics and hospitals;

"(e) The massive arrests, imprisonment and Draconian punishment of ethnic Albanian political and human rights activists during the past year;

"(f) The gradual elimination in practice of the Albanian language, particularly in the public administration and services;

"(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary emigration;

"(h) The attempts at changing the ethnic structure of Kosovo, through a policy of encouraging an influx of Serbs and Montenegrins, as well as through the harassment of ethnic Albanians from Kosovo wishing to return to their homeland,

"_Gravely concerned_ that the new Citizenship Law awaiting approval by the Parliament may further deteriorate the situation of human rights and that its purpose is to change the demographic composition of Kosovo,

"1. _Strongly condemns_ the discriminatory measures and practices, as well as the violations of human rights carried out by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against ethnic Albanians in Kosovo;

"2. _Urgently demands_ that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

"(a) Cease all human rights violations, discriminatory measures and practices against ethnic Albanians in Kosovo, in particular arbitrary detention and violation of the right to a fair trial and the practice of torture and other cruel, inhuman and degrading treatment;

"(b) Release all political prisoners and cease the persecution of political leaders and members of local human rights organizations;

"(c) Respect the will of the inhabitants of Kosovo, allowing its expression by democratic means as the best way of preventing the escalation of the conflict there;

"(d) Guarantee the freedom of the media throughout the country, and in particular in Kosovo, and cease the obstruction of the Albanian-language media in Kosovo;

"(e) Abrogate the official settlement policy of the Government of the Federal Republic of Yugoslavia, which is conducive to the heightening of ethnic tensions;

"(f) Allow the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to visit Kosovo in order to prepare comprehensive reports on the human rights situation there;

"(g) Cooperate with the Organization on Security and Cooperation in Europe to enable the long-term mission to resume its activities immediately, inter alia by permitting its return to Kosovo;

"3. Urges the Secretary-General to explore ways and means to establish an adequate international monitoring presence in Kosovo;

"4. Calls upon the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

"5. Decides to remain seized of this matter."

504. On 7 March 1995 the representative of the Russian Federation introduced a draft amendment (E/CN.4/1995/L.111) to draft resolution E/CN.4/1995/L.99. The draft amendment read as follows:

"Russian Federation: draft amendment to draft resolution E/CN.4/1995/L.99

"1. After the third preambular paragraph, add a new preambular paragraph as follows:

Emphasizing the importance of respect for the territorial integrity of the Federal Republic of Yugoslavia (Serbia and Montenegro) within its internationally recognized borders, "2. After operative paragraph 1, add a new operative paragraph as follows:

> Urges all parties in Kosovo to engage in a substantive dialogue under the auspices of, inter alia, the International Conference on the former Yugoslavia and the Organization for Cooperation and Security in Europe, to act with the utmost restraint and to settle disputes peacefully and with full respect for human rights and for the territorial integrity of the Federal Republic of Yugoslavia (Serbia and Montenegro) within its internationally recognized borders;"

505. The draft resolution and the draft amendment were subsequently withdrawn by their sponsors.

506. On 8 March 1995 the representative of the United States of America introduced revised draft resolution E/CN.4/1995/L.88/Rev.1 sponsored by Albania, Bosnia and Herzegovina, Croatia, Egypt, Hungary, Morocco, Poland, Turkey and the United States of America. Australia, Austria, Bahrain, Bulgaria, Chile, the Czech Republic, Gambia, Germany, Indonesia, Jordan, Kuwait, Malaysia, the Netherlands, Oman, Pakistan, Qatar, Senegal, Slovakia, Slovenia, Tunisia and the United Arab Emirates subsequently joined the sponsors.

507. The representative of the United States orally modified the revised draft resolution as follows: In the eighth preambular paragraph, the words "preserve and protect" after the words "the international community to" and the words "within their internationally recognized borders" after the words "the former Yugoslavia" were deleted.

508. Statements in connection with the draft resolution were made by the observers for Bosnia and Herzegovina, Croatia and Turkey.

509. A statement was also made by the representative of the Russian Federation.

510. At the request of the representative of the Russian Federation, a roll-call vote was taken on the thirteenth preambular paragraph of the revised draft resolution.

511. Statements in explanation of vote before the vote were made by the representatives of Cuba and the United States of America.

512. The thirteenth preambular paragraph was retained by 29 votes to 2, with 20 abstentions. The voting was as follows:

In favour: Algeria, Australia, Austria, Bangladesh, Benin, Bulgaria, Chile, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Germany, Hungary, Indonesia, Japan, Malaysia, Mauritania, Mauritius, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Poland, Republic of Korea, Sri Lanka, Sudan, United States of America.

Against: India, Russian Federation.

Abstaining: Angola, Bhutan, Brazil, Cameroon, Canada, China, Colombia, Côte d'Ivoire, Finland, France, Gabon, Italy, Malawi, Mexico, Nepal, Romania, Togo, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zimbabwe.

513. The representative of Cuba did not participate in the vote.

514. At the request of the representative of the Russian Federation, a vote was taken on the eleventh, twelfth and thirtieth preambular paragraphs and operative paragraphs 3 and 10 of the revised draft resolution.

515. The eleventh, twelfth and thirtieth preambular paragraphs and operative paragraphs 3 and 10 were retained by 35 votes to 2, with 14 abstentions.

516. The representative of Cuba did not participate in the vote.

517. At the request of the representative of the Russian Federation, a roll-call vote was taken on the revised draft resolution as a whole.

518. The revised draft resolution (E/CN.4/1995/L.88/Rev.1) as a whole, as modified, was adopted by 44 votes to none, with 7 abstentions. The voting was as a follows:

In favour: Algeria, Australia, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Hungary, Indonesia, Italy, Japan, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Sri Lanka, Sudan, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: None.

Abstaining: Angola, China, Côte d'Ivoire, Gabon, India, Russian Federation, Zimbabwe.

519. The representative of Cuba did not participate in the vote.

520. At the 62nd meeting, on 8 March 1995, a statement in explanation of vote after the vote was made by the representative of India.

521. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/89.

Situation of human rights in Iraq

522. At the 60th meeting, on 8 March 1995, the representative of France, on behalf of the European Union, introduced draft resolution E/CN.4/1995/L.89, sponsored by Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg,

Netherlands, Norway, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Czech Republic, Iceland, Kuwait, and Switzerland subsequently joined the sponsors.

523. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

524. A statement in connection with the draft resolution was made by the observer for Iraq.

525. An explanation of vote before the vote was made by the representative of the Sudan.

526. At the request of the representative of the Sudan, a roll-call vote was taken on the draft resolution.

527. The draft resolution was adopted by 31 votes to 1, with 21 abstentions. The voting was as follows:

In favour:	Australia, Austria, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Ecuador, El Salvador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Malawi, Mauritius, Mexico, Netherlands, Nicaragua, Peru, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.
Against:	Sudan.
Abstaining:	Algeria, Angola, Bangladesh, Bhutan, China, Côte d'Ivoire, Cuba, Dominican Republic, Egypt, Ethiopia, Guinea-Bissau, India, Indonesia, Malaysia, Mauritania, Nepal, Pakistan, Philippines, Sri Lanka, Togo, Zimbabwe.

528. At the 62nd meeting, on 8 March 1995, statements in explanation of vote after the vote were made by the representatives of Egypt and the Philippines.

529. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/76.

Situation of human rights in the Islamic Republic of Iran

530. At the 60th meeting, on 8 March 1995, the representative of France, on behalf of the European Union, introduced draft resolution E/CN.4/1995/L.90, sponsored by Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Czech Republic, Iceland and Switzerland subsequently joined the sponsors.

531. A statement in connection with the draft resolution was made by the observer for the Islamic Republic of Iran.

532. At the request of the representative of Pakistan, a roll-call vote was taken on the draft resolution.

533. The draft resolution was adopted by 28 votes to 8, with 17 abstentions. The voting was as follows:

In favour:	Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Colombia, Ecuador, El Salvador, Finland, France, Germany, Hungary, Italy, Japan, Malawi, Mauritius, Mexico, Netherlands, Nicaragua, Peru, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.
Against:	Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan, Sudan.
Abstaining:	Angola, Benin, Bhutan, Cameroon, Côte d'Ivoire, Dominican Republic, Egypt, Ethiopia, Gabon, Guinea-Bissau, Mauritania, Nepal, Philippines, Republic of Korea, Sri Lanka, Togo, Zimbabwe.

534. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/68.

Situation of human rights in Zaire

535. At the 60th meeting, on 8 March 1995, the representative of France introduced draft resolution E/CN.4/1995/L.91, sponsored by Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland. Angola, Iceland, Luxembourg, Switzerland and United States of America subsequently joined the sponsors.

536. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of draft resolution E/CN.4/1995/L.91.

537. The draft resolution was adopted without a vote.

538. At the 62nd meeting, on 8 March 1995, the representative of Algeria made a statement in explanation of his delegation's position after the adoption of the draft resolution.

539. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/69.

Situation of human rights in the Sudan

540. At the 61st meeting, on 8 March 1995, the representative of the United States of America introduced draft resolution E/CN.4/1995/L.93, sponsored by Australia, Austria, Belgium, Canada, Denmark, Finland, France, German, Hungary, Ireland, Italy, Japan, Liechtenstein, Mauritius, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Bulgaria, the Czech Republic, Greece, Iceland, Luxembourg, Slovakia and Switzerland subsequently joined the sponsors.

541. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of draft resolution E/CN.4/1995/L.93.

542. Statements in explanation of vote before the vote were made by the representatives of Egypt and the Sudan.

543. The representative of the Sudan requested a roll-call vote. The draft resolution was adopted by 33 votes to 7, with 10 abstentions. The voting was as follows:

In favour: Algeria, Australia, Austria, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Ecuador, El Salvador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Malawi, Mauritius, Mexico, Nepal, Netherlands, Nicaragua, Peru, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zimbabwe.

Against: China, Cuba, India, Indonesia, Pakistan, Sri Lanka, Sudan.

Abstaining: Angola, Bangladesh, Bhutan, Côte d'Ivoire, Egypt, Ethiopia, Malaysia, Philippines, Republic of Korea, Togo.

544. For the text as adopted, see chapter II, section A, resolution 1995/77.

Situation of human rights in Burundi

545. On 6 March 1995, a draft resolution (E/CN.4/1995/L.94) was submitted by Belgium, Ireland, Portugal and Spain. The draft resolution read as follows:

"Situation of human rights in Burundi

"The Commission on Human Rights,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, "Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

"Reaffirming also that all States have the right and duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

"Recalling its resolution 1994/86, dated 9 March 1994,

"Deeply concerned at the inter-ethnic violence since the attempted coup d'état on 21 October 1993, involving loss of human life and gross violations of human rights in Burundi,

"Alarmed by the actions of extremist groups wishing to undermine the institutional basis and to increase political instability and ethnic tensions in the country,

"Particularly convinced that consolidation of democratic gains helps to create a favourable environment for lasting settlement of the political tensions which have brought bloodshed to the country over the past 30 years and enables every citizen of Burundi to take part in the economic and social development of his country,

"Concerned about the mass exodus of persons from Burundi who have fled their country to take refuge in neighbouring countries, which increases the number of refugees in those host countries, and about the large number of persons displaced within the country,

"1. Takes note of the report by the representative of the Secretary-General, submitted pursuant to Commission on Human Rights resolution 1993/95 (E/CN.4/1995/50/Add.2), and of the report of the Secretary-General on the situation of human rights in Burundi (E/CN.4/1995/66);

"2. Strongly condemns the brutal and violent break in the democratic process initiated in Burundi, and any incitement to ethnic violence in the media, demands an immediate end to acts of violence and intimidation and calls on all sectors of society, both civilian and military, to respect the Constitution of the country and the Convention of government;

"3. Encourages the Government of Burundi in its action to secure participation by all components of the population in the conduct of the political and administrative affairs of the country;

"4. Appeals to political groups, the army, the media and civilian society to show moderation and a spirit of conciliation, and to contribute to the restoration of full respect for and the promotion of human rights;

"5. Invites the authorities of Burundi to cooperate with the international community in carrying out a prompt inquiry into the violations of human rights resulting from the attempted coup d'état of 21 October 1993, as well as the inter-ethnic massacres, and to bring the persons responsible for those acts of violence before the courts, so as to put an end to the impunity which has become institutionalized in the country;

"6. Supports the recommendation made by the Security Council mission to Burundi (10 and 11 February 1995) in its report to the Council (S/1995/163) that an international commission of inquiry into the October 1993 coup attempt and the massacres that followed should be established as soon as possible, as proposed by the Government of Burundi in accordance with the Convention of government;

"7. Invites the international community to continue to lend its political, diplomatic, material and financial support to end the violence, to help the Government of Burundi to find a lasting solution to the political and ethnic tensions and to create conditions to favour the reintegration of refugees and displaced persons;

"8. Encourages the international community and the Government of Burundi to implement the various recommendations of the Plan of Action adopted by the Regional Conference of Great Lake Countries (Bujumbura, February 1995), in order to reassure refugees and repatriated and displaced persons;

"9. Commends the efforts made by the Organization of African Unity and the various initiatives taken by associations for the protection of human rights to help the Government of Burundi re-establish democratic institutions, restore confidence and stabilize the situation;

"10. Also welcomes the agreement signed on 22 September 1994 by the High Commissioner for Human Rights and the Government of Burundi on the implementation of a major programme of technical assistance and advisory services in the field of human rights, the various components of which form part of preventive action supported by the international community;

"11. Greatly appreciates the efforts of the High Commissioner for Human Rights to promote and protect human rights in Burundi, in particular by setting up an office of the Centre for Human Rights and by mobilizing international cooperation in the quest for peace and security in Burundi;

"12. Is convinced of the need to further increase preventive action in Burundi, in particular through the presence of human rights experts and observers throughout the country;

"13. Applauds the decision taken by the Special Rapporteur on extrajudicial, summary or arbitrary executions, in close consultation with the High Commissioner for Human Rights, to undertake immediately a mission to Burundi as part of his mandate;

"14. Invites the Chairman of the Commission to appoint, after consultation with the Bureau, a special rapporteur to establish direct contact with the Burundi authorities and population;

"15. Requests the Secretary-General to report to it at its fifty-second session on the situation of human rights in Burundi, on the basis of all relevant information, and, in that connection, calls for the strengthening of the office of the Secretary-General in Bujumbura;

"16. Decides to consider the situation of human rights in Burundi at its fifty-second session under the appropriate agenda item."

546. At the 62nd meeting, on 8 March 1995, the representative of Algeria introduced a revised draft resolution (E/CN.4/1995/L.94/Rev.1) sponsored by Angola, Belgium, Benin, Burundi, Cameroon, Canada, Chile, Côte d'Ivoire, Ethiopia, France, Gabon, Germany, Guinea-Bissau, Hungary, Italy, Kenya, Luxembourg, Madagascar, the Netherlands, Norway, Portugal, Senegal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe. Australia, Austria, Denmark, Finland, Gambia, Ghana, Greece, Iceland, Japan, Nigeria, Malawi, Mauritania, Mauritius, Switzerland, Togo, the United States of America and Zambia subsequently joined the sponsors.

547. The representative of Algeria orally modified the revised draft resolution as follows: In operative paragraph 6, after the words "Supports the" the words "recommendation made by the Security Council mission to Burundi (10 and 11 February 1995) in its report to the Council (S/1995/163) that" were replaced by "creation as soon as possible of"; after the words "that followed" the words "should be established as soon as possible" were deleted.

548. The representative of France made a statement about the revised draft resolution.

549. The revised draft resolution, as modified, was adopted without a vote.

550. For the text as adopted, see chapter II, section A, resolution 1995/90.

Situation of human rights in Haiti

551. At the same meeting, the representative of Venezuela introduced the draft resolution E/CN.4/1995/L.95, sponsored by Bolivia, Brazil, Colombia, France, Haiti, Mexico, Nicaragua, Peru and Venezuela. Australia, Austria, Belgium, Benin, Canada, Chile, Denmark, the Dominican Republic, Ecuador, El Salvador, Germany, Greece, Honduras, Ireland, Italy, Japan, the Netherlands, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

552. The representative of Venezuela orally revised the draft resolution as follows:

(a) In the seventh preambular paragraph, the words "Again condemns" were replaced by the words "Condemning again";

(b) In the twelfth preambular paragraph, after "Concerned" the words "at the acts of violence still taking place in Haiti, particularly in its rural areas, and" were deleted;

(c) In the fifteenth preambular paragraph, after the words "paramilitary groups and disarmament," the words "acts of violence and" were replaced by the words "some incidents of";

(d) Operative paragraph 12, which read: "Recommends to the Haitian Government that it establish, jointly with the High Commissioner for Human Rights and in coordination with the Inter-American Commission for Human Rights, the Inter-American Institute of Human Rights, the Centre for Human Rights, the International Civilian Mission, the Independent Expert, the specialized agencies and other international bodies and agencies concerned with human rights in Haiti, a comprehensive human rights programme for Haiti;" was deleted;

(e) The original operative paragraph 13, which read: "Requests the Secretary-General to provide advisory services in the area of human rights to the Haitian Government" was replaced by a new paragraph.

553. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Commission, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of draft resolution E/CN.4/1995/L.95.

554. The draft resolution, as revised, was adopted without a vote.

555. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/70.

Situation of human rights in Equatorial Guinea

556. At the 60th meeting, the representative of Venezuela introduced draft resolution E/CN.4/1995/L.96, sponsored by Venezuela. Costa Rica, the Netherlands, Switzerland and Uruguay subsequently joined the sponsor.

557. The representative of Venezuela orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the word "duty" was replaced by the word "obligation";

(b) In operative paragraph 4, after the words "political forces" the word "in" was replaced by the words "with a view to achieving consensus on the democratization of".

558. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Commission, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of draft resolution E/CN.4/1995/L.96.

559. The draft resolution, as orally revised, was adopted without a vote.

560. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/71.

Situation of human rights in Nigeria

561. At the 60th meeting, on 8 March 1995, the representative of France, on behalf of the European Union, introduced draft resolution E/CN.4/1995/L.100, sponsored by Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Canada, the Czech Republic and Japan subsequently joined the sponsors. The draft resolution reads as follows:

"Situation of human rights in Nigeria

"The Commission on Human Rights,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Recalling the Vienna Declaration and Programme of Action, as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular, part I, paragraph 1, which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

"Reaffirming that all Member States have the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

"Mindful that Nigeria is a party to the International Covenants on Human Rights,

"Noting with particular concern the annulment of the presidential elections of 12 June 1993, the dissolution of all democratically elected institutions and the banning of political parties and the arbitrary detention of members of the opposition,

"Noting the draft declaration of the National Constitutional Conference which recommends a handover to a democratically elected administration in January 1996,

"Deeply concerned about the human rights situation in Nigeria,

"Taking note of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61), as well as the report of the Working Group on Arbitrary Detention (E/CN.4/1995/31), "1. Expresses deep concern at the violations of human rights and fundamental freedoms in Nigeria, including arbitrary detentions, severe restrictions on the right to freedom of expression, including the banning of some newspapers, cases of torture, inhuman and degrading treatment of prisoners, summary and public executions, the abolition of habeas corpus and restrictions on the right to leave the country;

"2. Urges the Government of Nigeria, as a State party to the International Covenants on Human Rights, to abide by its freely undertaken obligations under these and other international instruments on human rights, and particularly to respect and ensure the rights of all individuals, including persons belonging to minorities;

"3. Calls upon the Government of Nigeria to ensure the observance of all human rights, in particular by restoring habeas corpus, releasing all political prisoners, restoring freedom of the press, lifting arbitrarily imposed travel restrictions and ensuring full respect for the rights of trade unionists;

"4. Also calls upon the Government of Nigeria to take all necessary measures to restore Nigeria without delay to democratic rule, unhindered by the military;

"5. Invites the Government of Nigeria to continue to cooperate with all thematic special rapporteurs and working groups;

"6. Requests the Secretary-General to bring the present resolution to the attention of the Government of Nigeria, and to prepare a report for the Commission on Human Rights at its fifty-second session on the situation of human rights in Nigeria on the basis of available information, including the reports of the special rapporteurs, working groups and treaty bodies, as well as any other relevant information."

562. The representative of France orally revised the draft resolution as follows:

(a) The following new paragraph was inserted as the sixth preambular paragraph: "Recalling that the Government of Nigeria announced its intent to use the National Constitutional Conference as a vehicle for return to civilian rule,";

(b) Operative paragraph 4 was replaced by a new paragraph which read: "Also calls upon the Government of Nigeria to take all necessary measures to restore Nigeria without delay to democratic rule, unhindered by the Government;".

563. Statements in connection with the draft resolution were made by the representative of Algeria and the observer for Nigeria.

564. Statements in explanation of vote before the vote were made by the representatives of China and Cuba.

565. At the request of the representative of Algeria, a roll-call vote was taken on the draft resolution as orally revised.

566. The draft resolution was rejected by 21 votes to 17, with 15 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Canada, Chile, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Angola, Benin, Cameroon, China, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Gabon, Guinea-Bissau, India, Indonesia, Malawi, Mauritania, Mauritius, Pakistan, Sri Lanka, Sudan, Togo, Zimbabwe.

Abstaining: Bangladesh, Bhutan, Brazil, Colombia, Dominican Republic, Ecuador, El Salvador, Malaysia, Mexico, Nepal, Nicaragua, Peru, Philippines, Republic of Korea, Venezuela.

567. At the 62nd meeting, on 8 March 1995, statements in explanation of vote after the vote were made by the representatives of Malawi, Mauritius and Sri Lanka.

Situation of human rights in Myanmar

568. At the 60th meeting, on 8 March 1995, the representative of France, on behalf of the European Union, introduced draft resolution E/CN.4/1995/L.101, sponsored by Australia, Austria, Belgium, Chile, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Bulgaria, Canada, the Czech Republic, Iceland, Liechtenstein, Poland, Switzerland and Slovakia subsequently joined the sponsors.

569. The representative of France orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the word "activities" was replaced by "activists";

(b) In operative paragraph 5, after the words "ethnic groups," the words "the only" were replaced by the words "as the best";

(c) In operative paragraph 9, the word "step" was replaced by "steps";

(d) Operative paragraph 19, which read: "Encourages the Government of Myanmar to create the necessary conditions to halt the departure of refugees to neighbouring countries and to facilitate their full reintegration, in conditions of safety and dignity, with the aid of the Office of the United Nations High Commissioner for Refugees;" was replaced by a new paragraph;

(e) In operative paragraph 26, after the words "in order to assist in the" the words "process of democratization and national reconciliation and to keep the Commission informed on the results of those discussions" were replaced by the words "implementation of General Assembly resolution 49/197, as well as in its efforts for national reconciliation and towards the resumption of democracy".

570. A statement in connection with the draft resolution was made by the observer for Myanmar.

571. The draft resolution, as revised, was adopted without a vote.

572. At the 62nd meeting, on 8 March 1995, after the adoption of the draft resolution, the representative of Japan made a statement in explanation of his delegation's position.

573. For the text of the resolution as adopted see chapter II, section A, resolution 1995/72.

Extrajudicial, summary or arbitrary executions

574. At the 60th meeting, on 8 March 1995, the observer for Sweden introduced draft resolution E/CN.4/1995/L.102, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Madagascar, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden and Switzerland. Colombia, Greece, Kenya, Malta and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

575. The observer for Sweden orally revised the draft resolution as follows:

(a) Operative paragraph 15 was moved, to become the tenth preambular paragraph; the word "Expresses" was replaced by the word "Expressing" at the beginning of the paragraph;

(b) In operative paragraph 4, the words "and welcomes" were replaced by the word "stresses"; the words "as well as his specific" were replaced by the words "and notes the valuable";

(c) In operative paragraph 5, subparagraph (a), after the words "necessary in order" the words "to contribute effectively to the early warning capacity of the United Nations and" were deleted;

(d) Operative paragraph 5, subparagraph (b), which read: "To submit an interim report to the General Assembly at its fifty-first session;" was deleted;

(e) In the original subparagraph (e) of operative paragraph 5, after the words "in the context of" the words "suppression of the right to a fair trial" were deleted;

(f) In operative paragraph 10, after the word "including" the words ", where appropriate" were inserted;

(g) Operative paragraph 13, which read "Welcomes the decisions by the Security Council in its resolution 808 (1993) of 22 February 1993 and 955 (1994) of 8 November 1994 on the establishment of international criminal jurisdiction for the former Yugoslavia and Rwanda", was deleted;

(h) In operative paragraph 16, the words "within the overall budgetary framework of the United Nations" were replaced by the words "from within existing resources";

(i) In operative paragraph 18, after the words "High Commissioner for Human Rights" the words "in conformity with his mandate established by the General Assembly in its resolution 48/141" were inserted; and after the words "part of United Nations" the words "peacekeeping and observer" were deleted;

(j) In operative paragraph 20, after the words "fifty-second session" the words "under a specific sub-item" were deleted;

(k) In operative paragraph 21 (b), the words "within the overall budgetary framework of the United Nations" were replaced by the words "from within existing resources".

(l) The paragraphs were renumbered accordingly.

576. The draft resolution, as revised, was adopted without a vote.

577. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/73.

Situation of human rights in Afghanistan

578. At the 60th meeting, on 8 March 1995, the Chairman introduced draft resolution E/CN.4/1995/L.104, proposed by the Chairman.

579. The draft resolution was adopted without a vote.

580. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/74.

Situation of human rights in Rwanda

581. At the 61st meeting, on 8 March 1995, the representative of Canada introduced draft resolution E/CN.4/1995/L.107 sponsored by Albania, Benin, Canada, France, Iceland and the Netherlands. Angola, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Chile, the Czech Republic, Colombia, Denmark, El Salvador, Finland, the Gambia, Germany, Greece, Hungary, Ireland, Israel, Italy, Kenya, Liechtenstein, Luxembourg, Malawi, New Zealand, Nigeria, Norway, Portugal, Romania, Senegal, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

582. Statements in connection with the draft resolution were made by the representatives of Canada, China and Cuba.

583. The Commission postponed consideration of draft resolution E/CN.4/1995/L.107.

584. At its 62nd meeting, on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.107.

585. The representative of Canada orally revised the draft resolution as follows:

(a) In operative paragraph 5, after the words "all States" the word "concerned" was inserted;

(b) In operative paragraph 17, after the words "by the Government of Rwanda" the words "pursuant to its request" were inserted;

(c) In operative paragraph 18, after the words "technical assistance" the words "upon request" were inserted;

(d) In operative paragraph 21, after the words "administration of justice" the words "as requested by the Government of Rwanda" were added.

586. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

587. The representative of Cuba made a statement in explanation of his delegation's position.

588. The draft resolution was adopted, as revised, without a vote.

589. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/91.

Situation of human rights in East Timor

590. At the 49th meeting, on 1 March 1995, the Chairman, following consultations, read out the following statement to indicate the Commission's consensus agreement in connection with the situation of human rights in East Timor:

> "The Commission on Human Rights discussed the human rights situation in East Timor.
>
> "The Commission expresses its deep concern over the continuing reports of violations of human rights in East Timor, including the recently reported increased tensions and the violent incident where six people were killed. It welcomes the decisions of the Government of Indonesia to investigate this incident and to make public its findings.

"The Commission welcomes the visit to East Timor in July 1994 by the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the cooperation granted to him by the Indonesian authorities. The Commission takes note with concern of his report (E/CN.4/1995/61/Add.1), and urges the Government of Indonesia to implement further its undertakings to promote human rights in East Timor, and those contained in the consensus Chairman's statements at its forty-eighth and fiftieth sessions.

"A matter of preoccupation to the Commission is the incomplete information concerning the number of people killed and the persons still unaccounted for as a result of the violent incident in Dili on 12 November 1991. While acknowledging the efforts made to account for those persons, the Commission calls upon the Government of Indonesia to continue its investigation on those still missing and the circumstances surrounding the matter.

"The Commission expresses the hope that the cooperation between the International Committee of the Red Cross and the Government of Indonesia will continue. It calls upon the Indonesian authorities to ensure that all those in custody are treated humanely and their rights fully respected, and to take further appropriate measures aimed at the early release of those convicted.

"The Commission recognizes the greater access granted by the Indonesian authorities to East Timor and calls upon them to continue this policy, including the granting of access to human rights and humanitarian organizations and international media.

"The Commission welcomes the undertaking of the Government of Indonesia to invite the High Commissioner for Human Rights to visit East Timor in 1995 and to submit his report to the Commission on Human Rights at its fifty-second session. The Commission further takes note of the intention of the Government of Indonesia to continue to cooperate with the relevant thematic special rapporteurs and/or working groups of the Commission on Human Rights, and to invite them, taking into consideration their requests, to visit East Timor when necessary for the fulfilment of their duties.

"The Commission welcomes the result of the fifth round of meetings of the Foreign Ministers of Indonesia and Portugal, held under the auspices of the Secretary-General of the United Nations on 9 January 1995 at Geneva and encourages the Secretary-General to continue his good offices in order to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor. In this context, the Commission stresses the importance of continuing the efforts to promote confidence building measures between the two Governments. The Commission welcomes the Secretary General's intention, as expressed in his statement of 9 January 1995, to facilitate and offer the necessary arrangements for the convening of an all-inclusive intra-East Timorese dialogue.

> "The Commission requests the Secretary General to keep it informed on the situation of human rights in East Timor and will consider it at its fifty-second session."

Cooperation with representatives of United Nations human rights bodies

591. At the 60th meeting, on 8 March 1995, the representative of Hungary introduced draft resolution E/CN.4/1995/L.108, sponsored by Australia, Austria, Haiti, Hungary and Switzerland. Canada, Chile, the Czech Republic, the Dominican Republic, Italy, Norway, Poland, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

592. The draft resolution was adopted without a vote.

593. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/75

Situation of human rights in Chechnya

594. At the 44th meeting, on 27 February 1995, the Chairman, further to consultations, read out the following statement to indicate the Commission's consensus agreement in connection with the situation of human rights in Chechnya:

> "The Commission on Human Rights considers with concern the situation of human rights in the Republic of Chechnya. Expressing its deep concern over the disproportionate use of force by the Russian armed forces, it deplores the grave violations of human rights, before and after the beginning of the present crisis, as well as of international humanitarian law and the continuation of these violations.
>
> "The Commission expresses its deep preoccupation at the continued fighting and notes that a lasting cease-fire is not being carried out on the ground. The Commission strongly deplores the high number of victims and the suffering inflicted on the civilian population who are subjected to the effects of armed confrontation and on displaced persons. It also deplores the serious destruction of installations and infrastructure used by civilians. It condemns all violations or attacks on human rights and international humanitarian law and calls for all those who have committed violations of human rights against individuals to be brought to justice.
>
> "The Commission on Human Rights calls urgently for an immediate cessation of the fighting and of violations of human rights and for the holding of a dialogue without delay with the aim of achieving a peaceful solution to the crisis, with respect for the territorial integrity and the constitution of the Russian Federation, as well as a guarantee of human rights, the restoration of constitutional order and the organization of free and fair elections in the Republic of Chechnya. The

Commission calls for an immediate humanitarian cease-fire and for the unhindered delivery of humanitarian aid to all groups of the civilian population in need, and free access to all areas of the region of the Chechen crisis for the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees and all other humanitarian organizations active in the region.

"The Commission on Human Rights supports the Organization on Security and Cooperation in Europe (OSCE) in its efforts to seek a durable solution, with respect for human rights. In this connection, the Commission welcomes the decision adopted on 3 February 1995 by the Permanent Council of the OSCE after the report from the Personal Representative of the OSCE Chairman-in-Office for the Republic of Chechnya and urges the Russian Federation to cooperate constructively to further efforts within the framework of OSCE.

"The Commission on Human Rights calls for all those who have been detained during the crisis to be treated in conformity with international humanitarian law and for ICRC to be permitted to have access to them, in order to verify the conditions of their detention and treatment. To help provide aid to the victims, the Commission asks the Russian authorities to facilitate the activity of humanitarian and human rights organizations.

"The Commission on Human Rights requests the High Commissioner for Human Rights to continue a dialogue with the Government of the Russian Federation in the implementation of his mandate, with a view to securing respect for all human rights and to pursue his contacts with the Chairman-in-Office of OSCE.

"The Commission on Human Rights will continue to follow the development of the situation in the Republic of Chechnya and requests the Secretary-General to report on the situation of human rights in the Republic of Chechnya during its fifty-second session under the appropriate item of its agenda."

Situation of human rights in Colombia

595. At the 55th meeting, on 6 March 1995, the Chairman made a statement acknowledging the receipt of a written communication from the Permanent Representative of Colombia, pledging the cooperation of the Government of Colombia with the thematic special procedures of the Commission, and with the Office of the High Commissioner for Human Rights.

(a) Question of human rights in Cyprus

596. In relation to agenda item 12 (a), the Commission had before it the report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1994/110 (E/CN.4/1995/69).

597. In the general debate on agenda item 12 (a), statements 3/ were made by the following members of the Commission: France (on behalf of the European Union) (48th), Japan (54th), Mauritius (54th), Nicaragua (53rd), Poland (51st), United States of America (51st) and Zimbabwe (54th).

598. The Commission also heard statements by the observers for: Cyprus (48th), Greece (51st), Nigeria (49th) and Turkey (54th).

599. The Commission also heard a statement by the following non-governmental organization: International League for the Rights and Liberation of Peoples.

600. Statements in exercise of the right of reply or its equivalent were made by the observers for Cyprus (56th) and Turkey (53rd).

601. At the 60th meeting, on 8 March 1995, the Chairman proposed a draft decision to retain on the agenda of its fifty-second session item 10 (a), entitled "Question of human rights in Cyprus" and to give it due priority at its fifty-second session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

602. The draft decision was adopted without a vote.

603. For the text of the decision as adopted, see chapter II, section B, decision 1995/113.

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

604. The Commission considered item 12 (b) in closed meetings at its 36th and 37th meetings, on 22 February 1995. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Albania, Armenia, Azerbaijan, Chad, the Lao People's Democratic Republic, Latvia, the Republic of Moldova, Rwanda, Saudi Arabia, Slovenia, Thailand and Uganda, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situations in Albania, the Lao People's Democratic Republic, Latvia, the Republic of Moldova, Rwanda, Slovenia, Thailand and Uganda.

605. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

606. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members of the Commission were designated by the Chairman to serve in their personal capacity on the Working Group on Situations meeting prior to its fifty-second session in 1996:

Mr. Valentin Dobrev (Bulgaria)
Mr. Peter Eicher (United States of America)
Mr. José Pérez Novoa (Cuba).

The other two members of the Working Group would be designated by the Chairman at a later date.

XIII. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

607. The Commission considered agenda item 13 concurrently with items 20 and 22 (see chaps. XX and XXII) at its 19th to 23rd meetings, on 10 to 14 February, and its 42nd meeting, on 24 February 1995. 1/

608. In relation to agenda item 13, the Commission had before it the following documents:

> Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and efforts made by the Secretariat to promote the Convention (E/CN.4/1995/73);
>
> Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/36).

609. In the general debate on agenda item 13, statements 3/ were made by the following members of the Commission: Algeria (22nd), Bangladesh (20th), Chile (20th), El Salvador (22nd), Mexico (22nd), Nicaragua (22nd), Pakistan (21st) and Philippines (22nd).

610. The Commission also heard statements by the observers for Morocco (21st) and Turkey (19th).

611. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (23rd), Centre Europe-tiers monde (23rd), Commission for the Defence of Human Rights in Central America (21st), Human Rights Advocates (23rd), International Confederation of Free Trade Unions (20th), International Indian Treaty Council (23rd), Movement against Racism and for Friendship among Peoples (21st), Women's International League for Peace and Freedom (21st), World Council of Churches (20th).

612. At its 42nd meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 13.

613. On 15 February 1995, draft resolution E/CN.4/1995/L.15 was introduced by the Philippines. The draft resolution read as follows:

"Violence against women migrant workers

"The Commission on Human Rights,

"*Recalling* that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

"*Reaffirming* the principles set forth in the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 34/180 of 18 December 1979, "Stressing that the promotion of the human rights of women constitutes an integral part of the human rights activities of the United Nations, as reaffirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

"Welcoming the Programme of Action of the International Conference on Population and Development, held in Cairo from 5 to 13 September 1994, which called upon all countries to take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women,

"Noting the large numbers of women from developing countries and from some economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families, as a consequence of poverty, unemployment and other socio-economic situations in their home countries, while acknowledging the primary duty of States to work for conditions that provide employment for their citizens,

"Recognizing that it is the duty of sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training/education and to apprise them of their rights and obligations in the countries of employment,

"Aware of the moral obligation of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including migrant workers, and in particular women migrant workers, who are doubly vulnerable because of their gender and their being foreigners,

"Noting with concern the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some of their employers in some host countries,

"Stressing that acts of violence directed against women impair or nullify the enjoyment by women of their human rights and fundamental freedoms,

"Convinced of the need to eliminate all forms of discrimination against women and the need to protect them from gender-based violence,

"1. Expresses grave concern at the plight of women migrant workers who become victims of physical, mental and sexual harassment and abuse;

"2. Recognizes with appreciation the efforts exerted by some receiving countries to alleviate the negative situation of women migrant workers;

"3. Recalls, in this context, General Assembly resolution 48/104 of 20 December 1993, in which the Assembly proclaimed the Declaration on the Elimination of Violence against Women;

"4. Welcomes measures to strengthen the human rights of women and the establishment of closer ties between the organs dealing with women's issues and rights in the United Nations, through a special programme of activities, as envisioned in the proposed revision to the medium-term plan for the period 1992-1997;

"5. Invites States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and in ensuring health and social services for them, adopting specific measures to address those problems, setting up, as necessary, appropriate mechanisms to implement those measures, and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

"6. Calls upon the countries concerned to take appropriate measures to ensure that law-enforcement officials assist in guaranteeing the full protection of the rights of women migrant workers, consistent with international obligations of Member States;

"7. Urges both sending and host countries to help ensure that women migrant workers are protected from unscrupulous recruitment practices and, if needed, by the adoption of legal measures;

"8. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

"9. Invites trade unions to support the realization of the rights of women migrant workers by assisting them in organizing themselves so as to enable them better to assert their rights;

"10. Calls upon relevant bodies and specialized agencies of the United Nations system, intergovernmental organizations and non-governmental organizations to inform the Secretary-General of the extent of the problem and to recommend further measures to achieve the purposes of the present resolution;

"11. Requests treaty-monitoring bodies and non-governmental organizations concerned with violence against women to include, where appropriate, the situation of women migrant workers in their deliberations and findings and to supply relevant information to United Nations bodies and Governments;

"12. Calls upon relevant intergovernmental bodies, specialized agencies and non-governmental organizations concerned, in cooperation with both the sending and the host countries, to conduct seminars and training programmes on human rights instruments, particularly those pertaining to migrant workers;

"13. Invites all States to adopt, with the support of relevant non-governmental organizations, appropriate measures to provide support services to women migrant workers who have become traumatized as a consequence of violation of their rights by, inter alia, unscrupulous employers and/or recruiters, to provide resources for their physical and psychological rehabilitation and to facilitate their return to their countries of origin;

"14. Invites the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider including in their respective programmes of action the subject of the traffic in women and girls;

"15. Invites the Special Rapporteur of the Commission on Human Rights on violence against women to continue to include among the urgent issues pertaining to her mandate the violence perpetrated against women migrant workers;

"16. Requests the Special Rapporteur of the Commission on Human Rights on violence against women to include a chapter on violence against women migrant workers in her report to the Commission on Human Rights at its fifty-second session."

614. At its 42nd meeting, on 24 February 1995, the representative of the Philippines introduced a revised draft resolution (E/CN.4/1995/L.15/Rev.1), sponsored by Bangladesh, Cameroon, Indonesia, Iraq, Mexico, Pakistan, Peru, the Philippines, Sri Lanka and Zimbabwe. Chile, Cyprus, Ecuador, El Salvador, Haiti and Nepal subsequently joined the sponsors.

615. The revised draft resolution was adopted without a vote.

616. For the text as adopted, see chapter II, section A, resolution 1995/20.

617. At the same meeting, the representative of Mexico introduced draft resolution E/CN.4/1995/L.21, sponsored by Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Peru, the Philippines, Portugal, the Russian Federation, Sri Lanka, Turkey and Venezuela. Cuba, Egypt, Guinea-Bissau, Haiti, Madagascar and Tunisia subsequently joined the sponsors.

618. The draft resolution was adopted without a vote.

619. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/21.

XIV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

620. The Commission considered agenda item 14 concurrently with agenda item 26 (see chap. XXVI) at its 59th meeting, on 7 March, and at its 62nd meeting, on 8 March 1995. 1/

621. In relation to agenda item 14, the Commission had before it the following documents:

> Report of the Secretary-General on human rights and bioethics (E/CN.4/1995/74);
>
> Report of the Secretary-General on the question of the follow-up to the guidelines for the regulation of computerized personal data files, prepared pursuant to Commission decision 1993/113 (E/CN.4/1995/75).

622. At the 59th meeting, on 7 March 1995, in the general debate on agenda item 14, a statement was made by the observer for the World Health Organization.

623. The Commission also heard statements 3/ by the following non-governmental organizations: International Indian Treaty Council (59th) and Sierra Club Legal Defense Fund (59th).

624. At its 61st meeting, on 8 March 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 14.

625. At the same meeting, the observer for Kenya introduced draft resolution E/CN.4/1995/L.47, sponsored by Algeria, Angola, Bangladesh, Benin, Cameroon, Côte d'Ivoire, Cuba, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, the Gambia, Ghana, Guinea-Bissau, Iraq, Kenya, Liberia, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Senegal, the Sudan, the Syrian Arab Republic, Togo, Tunisia, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe. Lebanon, Malawi, Mauritius and Uruguay subsequently joined the sponsors.

626. The observer for Kenya orally revised the draft resolution as follows:

(a) The sixth preambular paragraph, which read as follows: "Recognizing that the illicit dumping of toxic and dangerous substances and wastes potentially constitutes a serious threat to the human rights to life and health of everyone," was deleted;

(b) In operative paragraph 3, the words "decision I/20" were replaced by the words "decision II/12";

(c) In operative paragraph 9, after the words "other issues related to the", the word "adverse" was inserted.

627. At the same meeting, the representative of France introduced draft amendments to draft resolution E/CN.4/1995/L.47, contained in document E/CN.4/1995/L.112, sponsored by Austria, Belgium, Denmark, Finland, France,

Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. The amendments read as follows:

Heading

Delete "Adverse effects of the"

Delete "on the enjoyment of human rights"

Fifth preambular paragraph

Delete "in view of their adverse effects on the human rights to life and health of every human person,"

Eighth preambular paragraph

Replace "Aware of the growing practice of the dumping" by "Aware of instances of illegal dumping"

Delete "from industrialized countries"

Before "constitute" insert "potentially"

Operative paragraph 1

Delete "the increasing rate of"

After "in developing countries" insert " - and other parts of the world - "

Delete "in those countries"

Operative paragraph 2

Before "constitute" insert "potentially"

Operative paragraph 7

Delete completely and replace by

"Urges all Governments that have not yet done so to accede to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 22 March 1989;"

Operative paragraph 8

Delete completely and replace by

"Urges parties to the Basel Convention to cooperate fully with each other and with the Secretariat in implementing measures to combat illegal traffic in hazardous products and wastes, pursuant to article 13 of the Convention and decision II/4 of the Second Conference of the Parties;

Operative paragraph 9

Delete completely and replace by

"Acknowledges the work carried out by the Secretariat of the Basel Convention to combat illegal traffic in hazardous products and wastes and to provide technical assistance to developing countries;"

Operative paragraph 10

Delete completely and replace by

"Urges the international community to give the necessary support to developing countries in their efforts to implement the provisions of the existing international and regional instruments governing the transboundary movement and dumping of toxic and dangerous products and wastes;"

Operative paragraph 11

Delete completely and replace by

"Invites the secretariat of the Basel Convention to transmit to the Commission on Human Rights, upon request, findings and reports about the illegal transboundary movement and dumping of dangerous and hazardous products and wastes;"

Operative paragraph 12

Delete completely and replace by

"Decides to continue consideration of the question of the illegal movement and dumping of dangerous and hazardous products and wastes at its fifty-third session under the agenda item entitled 'Human rights and scientific and technological developments';"

Operative paragraph 13

Delete completely.

628. Statements concerning the draft resolution and the draft amendments were made by the representatives of Algeria, Australia, Cameroon and Cuba, the Netherlands and the United States of America.

629. At the request of the representative of France a roll-call vote was taken on the draft amendments.

630. The draft amendments were rejected by 29 votes to 22, with 1 abstention. The voting was as follows:

In favour: Australia, Austria, Brazil, Bulgaria, Canada, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Malaysia, Mexico, Netherlands, Peru, Philippines, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Angola, Bangladesh, Benin, Bhutan, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Egypt, El Salvador, Ethiopia, Gabon, India, Indonesia, Malawi, Mauritania, Mauritius, Nepal, Nicaragua, Pakistan, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Abstaining: Republic of Korea.

631. At the request of the representative of Algeria, a roll-call vote was taken on the draft resolution, as orally revised.

632. The draft resolution was adopted by 31 votes to 15, with 6 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, India, Indonesia, Malawi, Mauritania, Mauritius, Nepal, Nicaragua, Pakistan, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: Australia, Austria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bulgaria, Malaysia, Mexico, Peru, Philippines, Republic of Korea.

633. Subsequently, the representative of Guinea-Bissau communicated to the Secretariat that, if he had been present at the time of the voting, he would have voted in favour of the draft resolution.

634. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/81.

635. At the 62nd meeting, on 8 March 1995, the representative of France introduced draft decision E/CN.4/1995/L.73.

636. The draft decision was adopted without a vote.

637. For the text of the decision as adopted, see chapter II, section B, decision 1995/114.

638. At the same meeting, the representative of France introduced draft resolution E/CN.4/1995/L.97, sponsored by Argentina, Austria, Belgium, Cameroon, the Czech Republic, Denmark, Finland, France, Germany, Poland, Romania and Senegal. Greece subsequently joined the sponsors.

639. The representative of France orally revised the draft resolution as follows: in operative paragraphs 2 and 4, after the words "respectful of human rights" the words "and beneficial to humanity as a whole" were inserted.

640. The draft resolution, as orally revised, was adopted without a vote.

641. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/82.

XV. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

642. The Commission considered agenda item 15 concurrently with items 5, 6 and 16 (see chaps. V, VI and XVI) at its 8th meeting, on 3 February 1995, and its 30th meeting, on 17 February 1995. 1/

643. The Commission had before it the following documents:

Report of the Group of Three established under the Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1995/76);

Report of the Secretary-General (E/CN.4/1995/102).

644. At the 8th meeting, on 3 February 1995, Ms. Lilia R. Bautista, Chairperson-Rapporteur of the Group of Three monitoring implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, introduced the report of the Group of Three (E/CN.4/1995/76) to the Commission.

645. At the same meeting, the representative of Algeria, speaking on behalf of the African Group, made a proposal not to hold a general debate on agenda item 15.

646. The representatives of Bulgaria, Nepal, the Netherlands and Nicaragua, speaking on behalf of their respective regional groups, made statements supporting the proposal made by the representative of Algeria.

647. At the same meeting, the Commission took note of the report of the Group of Three established under the Convention on the Suppression and Punishment of the Crime of Apartheid and decided not to hold a general debate on item 15.

648. For the text of the decision, see chapter II, section B, decision 1995/103.

649. At the 30th meeting, on 17 February 1995, the Commission took up consideration of a draft resolution submitted under agenda item 15.

650. The representative of Zimbabwe introduced draft resolution E/CN.4/1995/L.9, sponsored by Algeria, Angola, Austria, Benin, Cameroon, Côte d'Ivoire, Ethiopia, Finland, the Gambia, Ghana, Iraq, Kenya, Madagascar, the Philippines, Nigeria, Senegal, South Africa, the Sudan and Zimbabwe. Belgium, Brazil, Bulgaria, Chile, Ecuador, Egypt, El Salvador, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Portugal, the Republic of Korea, Romania, Spain, Sweden, Togo, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela subsequently joined the sponsors.

651. The draft resolution was adopted without a vote.

652. After the adoption of the draft resolution, the observer for South Africa made a statement.

653. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/10.

XVI. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

654. The Commission considered agenda item 16 concurrently with items 5, 6 and 15 (see chaps. V, VI and XV) at its 8th to 12th meetings, on 3 to 7 February, and at its 41st meeting, on 24 February 1995. 1/

655. In relation to agenda item 16, the Commission had before it the following documents:

Note by the Secretary-General (A/49/677);

Report of the Secretary-General (E/1994/97);

Report of the Secretary-General (E/CN.4/1995/77);

Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1994/64 (E/CN.4/1995/78 and Add.1);

Contribution by UNESCO (E/CN.4/1995/105);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Commission on Human Rights (E/CN.4/1995/125);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/17);

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/19).

656. At the 11th meeting, on 6 February 1995, Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, introduced his report (E/CN.4/1995/78 and Add.1) to the Commission.

657. In the general debate on agenda item 16, statements 3/ were made by the following members of the Commission: Australia (8th), Bangladesh (12th), Brazil (11th), China (11th), Cuba (12th), France (on behalf of the European Union) (8th), Mexico (11th), Nepal (10th), Republic of Korea (11th), Russian Federation (11th), United States of America (11th).

658. The Commission also heard statements by the observers for Cyprus (11th), Czech Republic (11th), Israel (10th), Senegal (10th) and Turkey (11th).

659. The Commission also heard statements by the following non-governmental organizations: Centre Europe-tiers monde (10th), Coordinating Board of Jewish Organizations (11th), Indian Institute for Non-Aligned Studies (11th), International Association Against Torture (11th), International Council of

Jewish Women (10th), International Indian Treaty Council (10th), International Movement Against all Forms of Discrimination and Racism (10th), International Service for Human Rights (10th), Movement Against Racism and for Friendship Among Peoples (10th), Women's International League for Peace and Freedom (10th), World Council of Churches (8th), World Jewish Congress (8th).

660. Statements in exercise of the right of reply or its equivalent were made by the representative of Japan (10th) and the observers for Cyprus (11th) and Turkey (11th).

661. At the 12th meeting, on 7 February 1995, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo, made his final observations.

662. At its 41st meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 16.

663. The observer for Senegal introduced draft resolution E/CN.4/1995/L.17, sponsored by Angola, Cameroon, Chile, Ethiopia, Madagascar, Mauritania, Mauritius, Morocco, Senegal, Tunisia and Zambia. Brazil, Côte d'Ivoire, Cuba, the Dominican Republic, Egypt, El Salvador, France, Israel, the Libyan Arab Jamahiriya, Nepal, Nigeria, Portugal, the Republic of Korea, South Africa, the Sudan, Togo and Zimbabwe subsequently joined the sponsors.

664. The representative of Brazil revised the draft resolution by replacing, in operative paragraph 10, the word "peoples" with the word "people".

665. The draft resolution, as orally revised, was adopted without a vote.

666. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/11.

667. At the same meeting, the observer for Turkey introduced draft resolution E/CN.4/1995/L.23 sponsored by Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Chile and Turkey. Angola, Canada, China, Cuba, the Dominican Republic, Haiti, Israel, Mexico, Nepal and the Republic of Korea subsequently joined the sponsors.

668. Statements in connection with the draft resolution were made by the representatives of Benin, Mauritania and the Netherlands.

669. The draft resolution was adopted without a vote.

670. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/12.

671. At the same meeting, the representative of Cuba introduced a draft amendment (E/CN.4/1995/L.34) to draft decision 1 recommended by the Subcommission for adoption by the Commission (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

672. Statements in connection with the draft decision and the draft amendment were made by the representatives of Algeria, Brazil, Canada, Chile, China, Colombia, Cuba, Finland, India, Japan, Malaysia, Mexico, the Netherlands, Nicaragua, Pakistan, the Sudan, the United States of America and Zimbabwe.

673. The Commission decided to postpone consideration of draft decision 1 and draft amendment E/CN.4/1995/L.34.

674. At its 42nd meeting, on 24 February 1995, the Commission resumed consideration of draft decision 1.

675. The representative of Cuba orally proposed that the draft decision should be amended as follows:

(a) Replace the words "endorses the recommendation of the Sub-Commission and suggests," by the word "recommends";

(b) Delete at the end of the sentence the words "to take place in 1997".

676. Statements in connection with the draft amendment were made by the representatives of Finland and Japan.

677. The draft decision, as orally amended, was adopted without a vote.

678. For the text of the decision as adopted, see chapter II, section B, decision 1995/104.

XVII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

679. The Commission considered agenda item 17 concurrently with items 7, 8 and 18 (see chaps. VII, VIII and XVIII) at its 13th to 19th meetings, on 7 to 10 February, and at its 42nd meeting, on 24 February 1995. 1/

680. In relation to agenda item 17, the Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1995/79 and Corr.1);

Report of the Secretary-General on succession of States in respect of international human rights treaties (E/CN.4/1995/80);

Letter dated 31 January 1995 from the Chargé d'affaires a.i. of the Republic of Croatia to the United Nations Office at Geneva, addressed to the Commission on Human Rights (E/CN.4/1995/121);

Letter dated 1 February 1995 from the Permanent Representative of the Republic of Slovenia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/122);

Letter dated 8 March 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/169);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/13).

681. In the general debate on agenda item 17, statements 3/ were made by the following members of the Commission: Algeria (14th), Australia (14th), Austria (14th), Benin (17th), Brazil (16th), El Salvador (17th), Hungary (16th), Philippines (17th), Poland (14th), Russian Federation (17th) and United States of America (16th).

682. The Commission also heard statements by the observers for Armenia (17th), Bosnia and Herzegovina (13th), Croatia (13th) and Slovenia (13th).

683. The Commission also heard statements by the following non-governmental organizations: International Association of Educators for World Peace (14th), International League for Human Rights (13th) and Union of Arab Jurists (18th).

684. At its 42nd meeting, on 24 February 1995, the Commission took up consideration of draft resolutions submitted under agenda item 17.

685. At the same meeting, the observer for Norway introduced draft resolution E/CN.4/1995/L.19, sponsored by Argentina, Armenia, Australia, Austria, Bulgaria, Chile, Cyprus, Denmark, Finland, France, Germany, Hungary, Italy, Madagascar, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, the Russian Federation, Spain and Sweden. Cameroon, Canada, Costa Rica, Ecuador, El Salvador, Guinea-Bissau, Haiti, Iceland, Ireland, Latvia, pMauritius, the Republic of Korea and Slovakia subsequently joined the sponsors.

686. At the same meeting, the representative of Algeria proposed the following amendments to the French text of the draft resolution:

(a) In the second preambular paragraph, replace the word "constituent" by the words "figurent parmi".

(b) In operative paragraph 9, insert the word "divers" between the word "les" and the word "autres"; replace the words "respecter ces" by the words "définir des" and the words "qu'ils" by the words "ceux qui".

(c) In operative paragraph 12, replace the word "dûment" by the words "comme il convient".

(d) In operative paragraph 15, replace the words "d'aider les" by the words "de répondre aux demandes d'aide des".

687. Statements in connection with the draft resolution and the amendment proposed made by the representative of Algeria were made by the representatives of Canada, the Netherlands and the Sudan and the observer for Norway.

688. The Commission decided to postpone consideration of the draft resolution.

689. At the same meeting, the Commission resumed consideration of draft resolution E/CN.4/1995/L.19.

690. The observer for Norway orally revised the draft resolution as follows:

(a) In the second preambular paragraph, the words "the first" were deleted;

(b) In operative paragraph 9, the word "respect" was replaced by the word "accept";

(c) In operative paragraph 15, the words "with their agreement" were inserted after the words "to the Covenants".

691. The draft resolution, as amended and revised, was adopted without a vote.

692. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/22.

693. At the same meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/1995/L.20, sponsored by Argentina, Armenia, Australia, Canada, the Czech Republic, France, Germany, Italy, Latvia, Poland, Portugal, the Russian Federation, Slovakia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Belgium, El Salvador, Greece, Guinea-Bissau, Haiti, Mauritius, the Netherlands and South Africa subsequently joined the sponsors.

694. The draft resolution was adopted without a vote.

695. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/18.

XVIII. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

696. The Commission considered agenda item 18 concurrently with items 7, 8 and 17 (see chaps. VII, VIII and XVII) at its 14th to 19th meetings, on 8 to 10 February, at its 42nd meeting, on 24 February, at its 59th meeting, on 7 March and at its 62nd meeting, on 8 March 1995. 1/

697. In relation to agenda item 18, the Commission had before it the following documents:

> Report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1994/19: inventory of all international human rights standard-setting activities (E/CN.4/1995/81);
>
> Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/130).

698. In the general debate on agenda item 18, statements 3/ were made by the following members of the Commission: Australia (14th), Bangladesh (17th), Brazil (16th), Egypt (14th), El Salvador (17th), Hungary (16th), Philippines (17th) and Poland (14th).

699. The Commission also heard a statement by the observer for New Zealand (16th).

700. The Commission also heard a statement by the following non-governmental organization: Union of Arab Jurists (18th).

701. At its 42nd meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 18.

702. At the same meeting the Commission decided to postpone consideration of draft resolution E/CN.4/1995/L.28.

703. At its 52nd meeting, on 3 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.28 and again decided to postpone consideration of the draft resolution.

704. At its 59th meeting, on 7 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.28 and again decided to postpone consideration of the draft resolution.

705. At its 62nd meeting, on 8 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.28.

706. The representative of Canada introduced draft resolution E/CN.4/1995/L.28 sponsored by Austria, Australia, Canada, Chile, Finland, Germany and Hungary. Angola, Argentina, the Czech Republic, Denmark, El Salvador, France, Haiti, Iceland, India, Italy, Liechtenstein, Malaysia, Mauritius, the Netherlands, New Zealand, Nicaragua, Norway, the Philippines, Poland, Portugal, the

Republic of Korea, the Russian Federation, Sweden and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors. The draft resolution read as follows:

"Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

"The Commission on Human Rights,

"*Recalling* General Assembly resolution 49/178 of 23 December 1994 and its own resolution 1994/19 of 25 February 1994, as well as other relevant resolutions,

"*Recalling also* the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23),

"*Reaffirming* that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

"*Considering* that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

"*Recalling* that the General Assembly, in resolution 49/178, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, also reaffirmed the importance of:

"(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

"(b) Securing sufficient financial and human resources to overcome existing difficulties with their effective functioning;

"(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights;

"*Expressing concern* about the large number of overdue reports on implementation by States parties to United Nations human rights instruments and about delays in consideration of reports by the treaty bodies,

"*Expressing concern also* about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations human rights instruments, "Recalling the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, held from 1988 to 1992, and the endorsement by the General Assembly and the Commission on Human Rights of recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

"Recalling also the interim report (A/CONF.157/PC/62/Add.11/Rev.1) by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and the request of the General Assembly in its resolution 48/120 that the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action,

"Recalling further that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization (see E/CN.4/1990/39, annex) with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies, and noting that the 5th meeting of persons chairing the human rights treaty bodies concluded that delay in the computerization of the work of treaty bodies would seriously affect the treaty bodies' effectiveness,

"Welcoming the conclusions and recommendations of the 5th meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994 (A/49/537, annex, sect. IV),

"Taking note of the inventory of international human rights standard-setting activities under the purview of the Commission on Human Rights prepared by the Secretary-General (E/CN.4/1995/81),

"Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures with a view to preventing the occurrence, or recurrence, of serious human rights violations,

"Conscious of the importance of coordination of human rights promotion and protection activities of United Nations organs and bodies whose activities deal with human rights,

"Welcoming the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

"1. Urges States parties to notify without delay the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by the States parties and the General Assembly;

"2. Calls upon all States parties to fulfil without delay and in full their financial obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

"3. Requests the Secretary-General to report on measures that have been taken to establish a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

"4. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

"5. Endorses the conclusions and recommendations of the meetings of the persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, and welcomes the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

"6. Continues to urge States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures, as well as enhancing coordination and information flow between the treaty bodies and relevant United Nations organs and bodies, including specialized agencies;

"7. Urges the treaty bodies and the persons chairing the human rights treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

"(a) Identifying where cross-referencing can be used in report writing;

"(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

"(c) Establishing coordination between the treaty bodies and the International Labour Organisation to identify overlap between respective instruments and conventions;

"(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

"8. Urges States parties to address, as a matter of priority, at their scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

"9. Requests the High Commissioner for Human Rights to request the independent expert to finalize his interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system in time for the final report to be considered by the Commission on Human Rights at its fifty-second session and to include in the final report an examination of the legal, financial, administrative and other implications of the options that he identifies;

"10. Invites the specialized agencies and other United Nations bodies, procedures and mechanisms and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the High Commissioner for Human Rights;

"11. Invites the High Commissioner for Human Rights to consult the human rights treaty bodies in regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

"12. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments;

"13. Welcomes the importance that the human rights treaty bodies attach to technical assistance and advisory services as well as the efforts they make to identify possibilities for States parties to benefit from technical assistance and advisory services, and further to this end:

"(a) Requests that the High Commissioner for Human Rights report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

"(b) Invites the treaty bodies to continue to give priority to identifying such possibilities when reviewing the periodic reports of States parties;

"(c) Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance;

"14. Endorses the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies, and with this in mind:

"(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

"(b) Requests that the Secretary-General report on this question to the Commission at its fifty-second session and to the General Assembly at its fiftieth session;

"15. Welcomes the emphasis by the 5th meeting of persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate (A/49/537, annex, para. 19), and recommends that the reporting guidelines adopted by the treaty bodies be amended to identify related gender-specific information to be addressed by States parties in their reports;

"16. Welcomes the request by the General Assembly to the Secretary-General, in resolution 49/178, to take appropriate steps in order to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

"17. Endorses the recommendation of the 5th meeting of persons chairing the human rights treaty bodies that, at their meeting in 1995, they identify common obstacles to the implementation of the human rights treaties, develop strategies aimed at achieving progress in the application of the treaties and, in particular, exchange views on guidelines for monitoring more effectively the human rights of women;

"18. Requests the High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141 of 20 December 1993, to maintain an inventory of all international human rights standard-setting activities, from within existing resources, in order to facilitate better informed decision-making;

"19. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

"20. Welcomes the recommendation by the 5th meeting of persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish and make available to the media the full text of the concluding observations on their reports to the treaty bodies, and requests the High Commissioner for Human Rights to make every effort to ensure that recent reports and summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

"21. Invites the Department of Public Information of the United Nations to publish at the end of each year, from within existing resources, as a separate volume, a compilation of all concluding observations adopted during that year by the treaty bodies;

"22. Requests the High Commissioner for Human Rights to ensure, from within existing resources, that the United Nations Manual on Human Rights Reporting (HRI/DUB/91/1) is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the 5th meeting of the persons chairing the human rights treaty bodies (A/49/537, annex, para. 57);

"23. Welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights, as well as the Secretary-General and the organs and bodies of the United Nations competent in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

"24. Requests the Secretary-General to report to the Commission at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

"25. Decides to consider the question on a priority basis at its fifty-second session under the agenda item entitled 'Effective functioning of bodies established pursuant to United Nations human rights instruments'."

707. The representative of Canada orally revised the draft resolution.

708. At the same meeting, the representative of India withdrew a draft amendment to draft resolution E/CN.4/1995/L.28, contained in document E/CN.4/1995/L.110 introduced by India on 7 March 1995.

709. The draft amendment read as follows:

"India: draft amendment to draft resolution E/CN.4/1995/L.28

"1. Fourth preambular paragraph

Delete the words 'full and effective' in line 3.

"2. Eighth preambular paragraph

Replace with the ninth preambular paragraph of General Assembly resolution 49/178 which reads as follows: 'Recalling the reports of the meetings of persons chairing the human rights treaty bodies from 1988 to 1993 and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 48/120,'.

"3. Ninth preambular paragraph

Delete.

"4. Eleventh preambular paragraph

Replace 'Welcoming' by 'Taking note of'.

"5. Thirteenth preambular paragraph

Delete.

"6. Operative paragraph 4

Delete from 'by requesting the States Members', in line 3, to the end of the paragraph.

"7. Operative paragraph 5

Replace by operative paragraph 2 of General Assembly resolution 49/178 which reads as follows: 'Welcomes also the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures.'.

"8. Operative paragraph 6

Stop at 'reporting procedures', in line 4.

"9. Operative paragraph 7

Add after subparagraph (d) the following: ', and invites them to report on the results of their examinations to the Commission on Human Rights for its consideration'.

"10. Operative paragraph 9

Delete.

"11. Operative paragraph 10

Replace with operative paragraph 8 of General Assembly resolution 49/178 which reads as follows: 'Invites the specialized agencies and other United Nations bodies and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the United Nations High Commissioner for Human Rights;'.

"12. Operative paragraph 11

Add, after the words 'High Commissioner for Human Rights' in line 1, the words 'in accordance with his mandate as contained in General Assembly resolution 48/141'.

"13. Operative paragraph 14

Replace '*Endorses*' with '*Requests* the Commission on Human Rights to examine'.

"14. Operative paragraph 17

Delete.

"15. Operative paragraph 20

Delete.

"16. Operative paraph 13

Replace 'and the organs and bodies of the United Nations competent in the field of human rights' in lines 4/5 with the language of operative paragraph 21 of General Assembly resolution 49/178, namely 'and the competent bodies of the United Nations in the field of human rights'."

710. The draft resolution, as orally revised, was adopted without a vote.

711. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/92.

XIX. REPORT OF THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION:
(a) INDIGENOUS ISSUES

712. The Commission considered agenda item 19 at its 23rd to 26th meetings, on 14 to 16 February, and at its 52nd meeting, on 3 March 1995. 1/

713. In relation to agenda item 19, the Commission had before it the following documents:

Report of Mrs. Judith Sefi Attah, Chairman of the Subcommission at its forty-sixth session, prepared in accordance with paragraph 14 of Commission on Human Rights resolution 1994/23 (E/CN.4/1995/83);

Letter dated 5 January 1995 from the Permanent Representative of Norway and the Chargé d'affaires of the Permanent Mission of Finland to the United Nations Office at Geneva, addressed to the Commission on Human Rights (E/CN.4/1995/116);

Working paper submitted by Mr. Theo van Boven and Mr. Asbjørn Eide (E/CN.4/Sub.2/1991/55);

Report of the working group on the methods of work of the Subcommission established pursuant to Subcommission resolution 1993/4 (E/CN.4/Sub.2/1994/3);

Report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33 and Corr.1);

Report prepared by the Secretary-General pursuant to Subcommission resolution 1993/22 (E/CN.4/Sub.2/1994/35);

Note by the Secretariat pursuant to paragraph 3 of Commission on Human Rights resolution 1993/27 and paragraphs 25 and 26 of Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1993/5 (E/CN.4/Sub.2/1994/41);

Report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its forty-sixth session (E/CN.4/1995/2-E/CN.4/Sub.2/1994/56);

Written statement submitted by the International Abolitionist Federation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/12);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/40);

Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/41.

714. At the 23rd meeting, on 14 February 1995, Mrs. Judith Sefi Attah, Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session, introduced her report (E/CN.4/1995/83) to the Commission.

715. In the general debate on agenda item 19, statements 3/ were made by the following members of the Commission: Algeria (25th), Bangladesh (25th), Brazil (24th), China (23rd and 24th), El Salvador (26th), Japan (25th), Mexico (25th), Netherlands (24th), Nicaragua (25th), Pakistan (26th), Poland (25th), Republic of Korea (25th), Russian Federation (25th) and United States of America (24th - twice).

716. The Commission also heard statements by the observers for: Libyan Arab Jamahiriya (26th), Nigeria (24th), Norway (on behalf of the Nordic countries) (25th), Switzerland (26th), the former Yugoslav Republic of Macedonia (25th) and Ukraine (25th).

717. The Commission also heard statements by the following non-governmental organizations: Friends of the Earth (26th), Indian Institute for Non-Aligned Studies (26th), International Association of Democratic Lawyers (26th), International Indian Treaty Council (26th), International Young Catholic Students (24th), Liberation (26th), Minority Rights Group (24th), Sierra Club Legal Defense Fund (24th), World Conference on Religion and Peace (26th), World Council of Indigenous Peoples (26th).

718. Statements in exercise of the right of reply or its equivalent were made by the representative of Bangladesh (26th) and the observer for Greece (25th).

719. At the 52nd meeting, on 3 March 1995, the observer for Norway introduced draft resolution E/CN.4/1995/L.33, sponsored by Australia, Finland, Germany, Hungary, Italy, Norway, Poland, Sweden and Switzerland. El Salvador, Slovenia and South Africa subsequently joined the sponsors.

720. The Commission postponed consideration of draft resolution E/CN.4/1995/L.33.

721. At the same meeting, the Commission resumed consideration of draft resolution E/CN.4/1995/L.33.

722. The observer for Norway orally revised the draft resolution as follows:

(a) The third preambular paragraph, which read: "Concerned at the potential risk which situations of internal strife may pose for regional and international peace, security and justice," was deleted;

(b) The fourth preambular paragraph, which read: "Considering that situations of internal violence, disturbance, tension and public emergency continue to cause serious instability and great suffering in many parts of the world," was deleted;

(c) The sixth preambular paragraph which read: "Taking note of the Declaration of Minimum Humanitarian Standards, adopted by a group of experts at a meeting in Turko (Åbo), Finland, in December 1990 (E/CN.4/Sub.2/1991/55)," was deleted;

(d) In operative paragraph 4 the word "Takes" was replaced by the word "Taking"; after the word "Standards", "(E/CN.4/Sub.2/1991/55)" was inserted and the paragraph became the fourth preambular paragraph;

(e) In operative paragraph 1, after the word "internal", the words "and related" were inserted; after the words "public emergency", the words "in a manner consistent with international law and the Charter of the United Nations" were inserted;

(f) In operative paragraph 2, the words "precise and effectively" were replaced by the word "appropriate";

(g) In operative paragraph 3, the word "review" was replaced by the words "consider to review"; the word "solely" after the words "involve discrimination" was deleted.

723. The draft resolution, as orally revised, was adopted without a vote.

724. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/29.

725. At the same meeting, the representative of the Philippines introduced draft resolution E/CN.4/1995/L.37, sponsored by Guinea-Bissau, Honduras, Ireland, Myanmar and the Philippines. Belgium, Bolivia, Cameroon, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, France, Nigeria, Peru, the Republic of Korea, the Russian Federation and Senegal subsequently joined the sponsors.

726. The draft resolution was adopted without a vote.

727. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/25.

728. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1995/L.38, sponsored by Austria, Belgium, Bulgaria, the Czech Republic, Denmark, El Salvador, Finland, Germany, Hungary, Iceland, Italy, Latvia, Madagascar, the Netherlands, Nicaragua, Norway, Poland, Portugal, Senegal, Slovakia, Spain, Sweden and Ukraine. Australia, Canada, France, Greece, Japan, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

729. The representative of Germany orally revised the draft resolution as follows:

(a) In operative paragraph 5, the words "and to pay particular attention to those Guidelines" were replaced by "including those";

(b) In operative paragraph 7, after the words "requests the Subcommission", the words ", if necessary," were inserted.

730. The draft resolution, as orally revised, was adopted without a vote.

731. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/26.

732. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1995/L.39, sponsored by Australia, Belgium, Canada, the Czech Republic, France, Latvia, the Netherlands, the Republic of Korea and Romania. Greece, Ireland, the Philippines and Portugal subsequently joined the sponsors.

733. The draft resolution was adopted without a vote.

734. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/27.

735. In view of the adoption of resolution 1995/27, the Commission took no action on draft decisions 2, 3 and 4, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

736. At the same meeting, the representative of the United States of America introduced draft decision E/CN.4/1995/L.42, sponsored by Australia, Bulgaria, Canada, the Dominican Republic, France, Germany, Japan, the Netherlands, Nicaragua, Romania, South Africa and the United States of America.

737. The representatives of China, the Sudan and the United States of America made statements in connection with the draft resolution.

738. Statements were made by the representatives of Cuba and the Sudan in explanation of their delegations' positions.

739. The draft decision was adopted without a vote.

740. For the text of the decision as adopted, see chapter II, section B, decision 1995/107.

741. In view of the adoption of decision 1995/107, the Commission took no action on draft decision 5, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

742. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1995/L.46, sponsored by Algeria, Australia, Colombia, the Czech Republic, Denmark, El Salvador, Finland, Hungary, Ireland, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Norway, the Philippines, Turkey, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Ethiopia, Greece, Iraq, Israel, Latvia, Nicaragua, Peru and Sweden subsequently joined the sponsors.

743. The representative of India made a statement in connection with the draft resolution.

744. The Commission postponed consideration of draft resolution E/CN.4/1995/L.46.

745. At the 53rd meeting, on 3 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.46.

746. The representative of Canada orally revised the draft resolution as follows:

(a) Operative paragraph 2, which read "Recalling the appointment, within the framework of the Commission for Social Development, of the Special Rapporteur on disability to monitor the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and to submit reports to the Commission on Social Development at its thirty-fourth and thirty-fifth sessions;" was deleted;

(b) In operative paragraph 11, after the words "disability indicator", the words "in the Commission on Social Development" were inserted.

747. The draft resolution, as orally revised, was adopted without a vote.

748. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/58.

(a) Indigenous issues

749. In relation to agenda item 19 (a), the Commission had before it the following documents:

Report of the Secretary-General on a comprehensive programme of action for the International Decade of the World's Indigenous People (A/49/444);

Note by the Secretary-General on the Programme of Activities of the International Decade of the World's Indigenous People (A/49/446).

Report of the Technical Meeting on the International Year and the International Decade of the World's Indigenous People (E/CN.4/1995/18);

Note by the International Labour Office: comments on the draft United Nations declaration on the rights of indigenous peoples (E/CN.4/1995/119);

Note by the International Labour Office: protection of the heritage of indigenous people (E/CN.4/1995/120);

Note verbale dated 18 January 1995 from the Permanent Mission of Denmark to the United Nations Office at Geneva, addressed to the United Nations Centre for Human Rights (E/CN.4/1995/141);

Note by the Secretariat (E/CN.4/1995/159);

Technical review of the United Nations draft declaration on the rights of indigenous people (E/CN.4/Sub.2/1994/2/Add.1);

Written statement submitted by the International Organization of Indigenous Resource Development, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/48);

750. In the general debate on agenda item 19 (a), statements 3/ were made by the following members of the Commission: Australia (25th), Bangladesh (25th), Brazil (25th), Canada (24th), Chile (24th), Colombia (24th), Ecuador (26th), India (25th), Malaysia (24th), Mexico (25th), Netherlands (24th), Nicaragua (25th) and Peru (24th).

751. The Commission also heard statements by the observers for: Bolivia (25th), Denmark (on behalf of the Nordic countries) (25th) and New Zealand (25th).

752. The Commission also heard statements by the following non-governmental organizations: Indian Law Resource Centre (24th), Indigenous World Association (26th), International Indian Treaty Council (26th), Liberation (26th), Pax Romana (24th), Saami Council (26th) and World Peace Council (24th).

753. At the 52nd meeting, on 3 March 1995, the representative of Australia introduced draft resolution E/CN.4/1995/L.41, sponsored by Australia, Canada, Chile, Colombia, Denmark, Finland, New Zealand, Norway and Sweden. Bolivia, Cuba, Ecuador, El Salvador, Greece, Mexico, Peru and the United States of America subsequently joined the sponsors.

754. In accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

755. The draft resolution was adopted without a vote.

756. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/28.

757. In view of the adoption of resolution 1995/28, the Commission took no action on draft decision 13, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

758. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1995/L.45, sponsored by Australia, Belgium, Bolivia, Cameroon, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, Finland, Greece, Iceland, Italy, Kenya, New Zealand, Nicaragua, Nigeria, Norway, Portugal, the Russian Federation and Sweden. Armenia, Benin, Cuba, El Salvador and Mexico subsequently joined the sponsors.

759. The observer for Denmark orally revised the draft resolution as follows:

(a) In the seventh preambular paragraph, after the words "activities of", the words "the States concerned and of" were inserted;

(b) In operative paragraph 1, after the words "representatives of Governments", the words "indigenous organizations" were replaced by the words "organizations of indigenous people";

(c) In operative paragraph 2, the word "Requests" was replaced by the word "Recommends"; after the word "held" the words "for a period of three days, within existing resources, and in accordance with established United Nations practice," were inserted;

(d) In operative paragraph 3, after the words "Governments and", the words "indigenous organizations" were replaced by the words "organizations of indigenous people".

760. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolutions.

761. The draft resolution, as orally revised, was adopted without a vote.

762. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/30.

763. In view of the adoption of resolution 1995/30, the Commission took no action on draft decision 16, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

764. At the 53rd meeting, on 3 March 1995, the representative of Canada introduced draft resolution E/CN.4/1995/L.61, sponsored by Australia, Canada, Denmark, Finland, New Zealand and Norway. Armenia, Bolivia, Chile, Mexico and the United States of America subsequently joined the sponsors.

765. The representative of Canada orally revised operative paragraph 2 by inserting quotation marks before the word "United" and after the words "indigenous peoples".

766. The draft resolution, as orally revised, was adopted without a vote.

767. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/31.

768. In view of the adoption of resolution 1995/31, the Commission took no action on draft decision 12, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

769. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1995/L.62, sponsored by Australia, Canada, Denmark, Finland, New Zealand and Norway. Armenia, Bolivia, Chile, Colombia, Mexico, the Russian Federation, Sweden and the United States of America subsequently joined the sponsors.

770. The representative of Australia orally revised the draft resolution as follows:

(a) The title of the draft resolution, which read: "Establishment of a working group of the Commission to consider the draft 'United Nations declaration on the rights of indigenous peoples' as contained in the annex to resolution 1994/45 of 26 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities, with the sole purpose of providing a draft declaration for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People" was replaced by a new title;

(b) In operative paragraph 1, after the words "the Commission on Human Rights", the words "to consider the draft 'United Nations declaration on the rights of indigenous peoples' submitted by the Subcommission on Prevention of Discrimination and Protection of Minorities (resolution 1994/45 of 26 August 1994, annex) with the sole purpose of providing a draft declaration" were replaced by the words "with the sole purpose of elaborating a draft declaration as contained in the annex to resolution 1994/45 of 26 August 1994, entitled 'Draft United Nations declaration on the rights of indigenous peoples'";

(c) In operative paragraph 8, after the words "non-governmental organizations", the words "in consultative status with the Economic and Social Council" were inserted;

(d) After operative paragraph 8, a new paragraph was inserted as operative paragraph 9.

771. Statements were made by the representatives of Brazil and China in explanation of their delegations' positions.

772. The draft resolution, as orally revised, was adopted without a vote.

773. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/32.

774. In view of the adoption of resolution 1995/32, the Commission took no action on draft decision 15, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

775. At the same meeting, the Commission considered draft decision 14, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

776. The draft decision was adopted without a vote.

777. For the text of the decision as adopted, see chapter II, section B, decision 1995/108.

778. At the same meeting, the Commission considered draft decision 17, recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. B).

779. The draft decision was adopted without a vote.

780. For the text of the decision as adopted, see chapter II, section B, decision 1995/109.

XX. RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

781. The Commission considered agenda item 20 concurrently with items 13 and 22 (see chap. XIII and XXII) at its 19th to 23rd meetings, on 10 to 14 February, at its 42nd meeting, on 24 February 1995, and at its 52nd meeting, on 3 March 1995. 1/

782. In relation to agenda item 20, the Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1995/84);

Note verbale dated 21 December 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Director-General of the United Nations Office at Geneva (E/CN.4/1995/103);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/126);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/128);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/132);

Letter dated 27 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/133);

Note verbale dated 16 January 1995 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/134);

Letter dated 15 February 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/153;

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/14);

Written statement submitted by the Baha'í International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/18);

783. In the general debate on agenda item 20, statements 3/ were made by the following members of the Commission: Austria (22nd), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (19th), Hungary (20th),

India (22nd), Italy (20th), Pakistan (22nd), Poland (19th), Republic of Korea (22nd), Romania (22nd), Russian Federation (21st), Sudan (22nd) and United States of America (22nd).

784. The Commission also heard statements by the following observers: Ukraine (23rd) and Viet Nam (21st).

785. The Commission also heard statements by the following non-governmental organizations: Commission for the Defence of Human Rights in Central America (21st), Coordinating Board of Jewish Organizations (20th), Indian Institute for Non-Aligned Studies (21st), International Indian Treaty Council (23rd), International Association for the Defence of Religious Liberty (20th), International Committee for European Security and Cooperation (23rd), International League for the Rights and Liberation of Peoples (20th), International Movement against All Forms of Discrimination and Racism (23rd), Minority Rights Group (20th), Pax Christi International (19th), Pax Romana (20th), Society for Threatened Peoples (23rd), World Federation of Democratic Youth (23rd), World Federation of United Nations Associations (21st) and World Muslim Congress (21st).

786. Statements in exercise of the right of reply or its equivalent were made by the representative of Japan (23rd) and the observers for Iran (Islamic Republic of) (21st), Iraq (23rd), Turkey (23rd) and Viet Nam (21st).

787. At its 42nd meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 20.

788. The Commission decided to postpone consideration of draft resolution E/CN.4/1995/L.32 and draft resolution I recommended by the Subcommission for adoption under agenda item 20 (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. A).

789. At its 52nd meeting, on 3 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.32 and draft resolution I recommended by the Subcommission for adoption.

790. The representative of Austria introduced draft resolution E/CN.4/1995/L.32, sponsored by Angola, Argentina, Armenia, Austria, Benin, Brazil, Costa Rica, Croatia, Cyprus, Finland, Guatemala, Hungary, Liechtenstein, Nicaragua, Norway, Poland, the Republic of Korea, the Russian Federation, Switzerland and Ukraine. Albania, Australia, Canada, the Czech Republic, Guinea-Bissau, Latvia, Malawi, Mauritius, Slovakia, Slovenia, Sweden, and Venezuela subsequently joined the sponsors.

791. The representative of Austria orally revised the draft resolution as follows:

(a) A new paragraph was inserted as the eleventh preambular paragraph;

(b) In operative paragraph 3, after the words "Appeals to States", the words "which so wish" were inserted;

(c) In operative paragraph 4, the words "and dispute management, resolution and prevention, and" were replaced by the words "including the prevention and resolution of disputes";

(d) In operative paragraph 9, the word "annual" before the word "inter-sessional" and the words "up to" before the words "five working days" were deleted;

(e) In subparagraph (a) of operative paragraph 9, the words "practical application" were replaced by the words "promotion and practical realization"; after the words "Linguistic Minorities", the words "including through analysing information received from Governments, United Nations bodies, specialized agencies and non-governmental organizations, in particular those representing minorities" were deleted;

(f) Subparagraph (b) of operative paragraph 9, which read: "Recommend measures for the protection of minorities in cases where the working group finds that the rights of persons belonging to national or ethnic, religious and linguistic minorities are at risk through the eruption or escalation of violence", was replaced by a new subparagraph;

(g) Subparagraph (c) of operative paragraph 9, which read: "Promote dialogue between minorities in society and between those minorities and Governments with the aim of contributing to the realization of the Declaration", was replaced by a new subparagraph;

(h) In operative paragraph 11, the words "the overall" were replaced by the word "existing".

792. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

793. The draft resolution, as orally revised, was adopted without a vote.

794. For the text of the resolution as adopted, see chapter II, Section A, resolution 1995/24.

795. In view of the adoption of resolution 1995/24, the Commission took no action on draft resolution I recommended by the Subcommission for adoption by the Commission (see E/CN.4/1995/2-E/CN.4/Sub.2/1994/56, chap. I, sect. A).

XXI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

796. The Commission considered agenda item 21 at its 26th to 47th meetings, on 16 to 28 February, at its 53rd meeting, on 3 March, and at its 59th meeting, on 7 March 1995. 1/

797. The Commission had before it the following documents:

> Report of the Secretary-General on the situation of human rights in Albania, submitted pursuant to Commission on Human Rights resolution 1994/57 (E/CN.4/1995/85);
>
> Report of the Special Representative of the Secretary-General for human rights in Cambodia, Mr. Michael Kirby, submitted pursuant to Commission resolution 1994/61 (E/CN.4/1995/87 and Add.1);
>
> Report by the Independent Expert, Mr. Pedro Nikken, on the situation of human rights in El Salvador, prepared in accordance with Commission on Human Rights resolution 1994/62 (E/CN.4/1995/88);
>
> Report of the Secretary-General on advisory services in the field of human rights including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1995/89 and Add.1);
>
> Note by the Secretariat on assistance to Romania in the field of human rights (E/CN.4/1995/90);
>
> Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/10);

798. At the 26th meeting, on 16 February 1995, Mr. Pedro Nikken, Independent Expert on the situation of human rights in El Salvador, introduced his report (E/CN.4/1995/88) to the Commission.

799. In the general debate on agenda item 21, statements 3/ were made by the following members of the Commission: Australia (45th), Chile (45th), El Salvador (26th), France (on behalf of the European Union) (44th), Indonesia (45th), Republic of Korea (44th), Russian Federation (44th), Sudan (44th), Togo (45th) and United States of America (45th).

800. The Commission also heard statements by the observers for Madagascar (40th) and Israel (45th).

801. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (39th), Andean Commission of Jurists (39th), Commission for the Defense of Human Rights in Central America (45th), International Federation of University Women (45th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th), Robert F. Kennedy Memorial (40th), World University Service (45th).

802. A statement in exercise of the right of reply or its equivalent was made by the representative of El Salvador (26th) and the observer for Guatemala (47th).

803. At its 53rd meeting, on 3 March 1995, the Commission took up consideration of the draft resolutions and draft decisions submitted under item 21.

804. At the same meeting, the Commission decided to postpone consideration of draft resolution E/CN.4/1995/L.30 introduced by Nicaragua on 22 February 1995 and draft amendments to the draft resolution contained in document E/CN.4/1995/L.106 introduced by the Netherlands on 2 March 1995.

805. Draft resolution E/CN.4/1995/L.30 read as follows:

"Advisory services to El Salvador in the field of human rights

"The Commission on Human Rights,

"*Guided* by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"*Recalling* its resolution 1994/62 of 3 March 1994,

"*Noting with satisfaction* the report of the Independent Expert, Mr. Pedro Nikken (E/CN.4/1995/88),

"*Emphasizing* the work done in El Salvador by the Secretary-General of the United Nations, as well as by the friendly countries Colombia, Mexico, Spain, the United States of America and Venezuela,

"*Recalling* that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations,

"*Bearing in mind* the progress of the peace process in El Salvador and its positive consequences for the strengthening of democracy and the enjoyment of human rights,

"*Considering* the content of the report of the Independent Expert, in which he states that in El Salvador the necessary conditions exist to embark on a new era of cooperation and technical assistance and that such cooperation and assistance should be provided to El Salvador,

"*Bearing in mind* the cooperation programmes for El Salvador being conducted by other United Nations bodies,

"*Welcomes* the request of the Government of El Salvador for technical assistance and advisory services in the field of human rights from the Centre for Human Rights,

"1. *Commends* the Independent Expert for his work in carrying out his mandate;

"2. _Welcomes_ the proposal of the Independent Expert for the conclusion of a technical cooperation agreement between the Government of El Salvador and the Centre for Human Rights;

"3. _Urges_ the Voluntary Fund for Technical Cooperation in the Field of Human Rights to support the technical cooperation programme agreed upon by the Centre for Human Rights and the Government of El Salvador;

"4. _Decides_ to conclude consideration of this matter."

806. Draft amendments to draft resolution E/CN.4/1995/L.30 contained in document E/CN.4/1995/L.106 read as follows:

"_Advisory services to El Salvador in the field of human rights_

"1. Replace operative paragraph 4 with the following text:

'_Requests_ the Secretary-General to report to the Commission on Human Rights at its fifty-second session on activities in the context of cooperation between the Government of El Salvador and the Centre for Human Rights;'

"2. Add a new operative paragraph 5 as follows:

'_Decides_ to examine the report of the Secretary-General at its fifty-second session with a view to concluding consideration of this matter.'"

807. At the 59th meeting, on 7 March 1995, the representative of Nicaragua introduced revised draft resolution E/CN.4/1995/L.30/Rev.1. Bolivia, Costa Rica, the Dominican Republic, Ecuador, Honduras, Paraguay and the United States of America subsequently joined the sponsor.

808. The representative of the Netherlands withdrew the draft amendments contained in document E/CN.4/1995/L.106.

809. The revised draft resolution was adopted without a vote.

810. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/63.

811. At the same meeting, after the adoption of the revised draft resolution, the representative of Canada made a statement in explanation of his delegation's position.

812. At the 53rd meeting, on 3 March 1995, the representative of Mexico introduced draft resolution E/CN.4/1995/L.49, sponsored by Brazil, Colombia, the Dominican Republic, Mexico, Norway, Spain, the United States of America and Venezuela. Canada, Denmark, France, Nicaragua and Peru subsequently joined the sponsors.

813. The observer for Guatemala made a statement in connection with the draft resolution.

814. The draft resolution was adopted without a vote.

815. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/51.

816. On 1 March 1995, draft resolution E/CN.4/1995/L.66 was submitted by Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Hungary subsequently joined the sponsors of the draft resolution, which read as follows:

"Situation of human rights in Togo

"The Commission on Human Rights,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

"Bearing in mind that Togo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter of Human and Peoples' Rights,

"Recalling its resolution 1994/78 of 9 March 1994 on the situation of human rights in Togo,

"Commending the efforts made with a view to democratization, in particular the recognition of the Constitution of 14 October 1992, which accords high priority to human rights, and the establishment of an independent national human rights commission and a ministry of human rights,

"Noting resolution 1994/20 of 25 August 1994 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

"Having examined the report of the Special Rapporteur on the question of torture (E/CN.4/1995/34 and Add.1), the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61 and Add.1) and the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1995/36), "1. Takes note with interest of the report of the Secretary-General on the situation of human rights in Togo (E/CN.4/1995/16);

"2. Welcomes the fact that Togo has set out on the road to democratic political change, and urges all Togolese to respect the outcome of the parliamentary elections held in February 1994 and to ensure the effective functioning of the democratically elected parliament;

"3. Also welcomes the progress made in the field of human rights and national reconciliation, in particular the amnesty law of December 1994 which has led to the release of many political prisoners;

"4. Nevertheless urges the Togolese authorities to continue to further improve the situation of human rights, particularly by taking all necessary measures to end limitations on freedom of the press, combat impunity and restore the independence of the judiciary;

"5. Calls upon the Togolese authorities to comply fully with their obligations under the international human rights instruments to which Togo is a party;

"6. Encourages the Togolese authorities to facilitate the participation of all sectors of society in the process of democratization, including national institutions working for the promotion and protection of human rights;

"7. Welcomes the dispatch, at the request of the Government of Togo, of a mission of the Centre for Human Rights with a view to providing assistance through the programme of advisory services and technical assistance;

"8. Requests the Secretary-General to appoint for a period of one year, under the agenda item entitled 'Advisory services in the field of human rights', a person with great experience in the field of human rights as an independent expert responsible for monitoring the situation of human rights and helping the Government and Parliament of Togo to promote human rights and the rule of law still further, in cooperation with the advisory services of the Centre for Human Rights;

"9. Requests the independent expert to submit for the consideration of the Commission on Human Rights, at its fifty-second session, a report on the situation of human rights in Togo and on the implementation of the present resolution;

"10. Decides to consider the question at its fifty-second session under the agenda item entitled 'Advisory services in the field of human rights', in the light of the report requested from the independent expert."

817. At the 53rd meeting, on 3 March 1995, draft resolution E/CN.4/1995/L.66 was withdrawn.

818. At the same meeting, the representative of Togo introduced draft resolution E/CN.4/1995/L.71, sponsored by Benin, Gabon, Guinea-Bissau, Nigeria and Togo. Angola, Cameroon, Côte d'Ivoire, Malawi, Mauritania, Senegal and Zimbabwe subsequently joined the sponsors.

819. The representative of Togo orally revised the draft resolution by replacing operative paragraph 9, which read "Decides to conclude consideration of this question.", with a new paragraph.

820. Benin subsequently withdrew its sponsorship of the draft resolution.

821. At the same meeting, the representative of France (on behalf of the European Union and Hungary) made a statement in support of the draft resolution as revised.

822. The draft resolution, as orally revised, was adopted without a vote.

823. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/52.

824. Also at the 53rd meeting, on 3 March 1995, the representative of Germany introduced draft resolution E/CN.4/1995/L.72, sponsored by Argentina, Austria, Belgium, Chile, Colombia, Croatia, Denmark, Finland, France, the Gambia, Germany, Hungary, Ireland, Israel, Italy, Liechtenstein, the Netherlands, Norway, Peru, the Philippines, Poland, Portugal, Spain, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Australia, Bolivia, Bulgaria, Canada, the Czech Republic, Ecuador, Ethiopia, Greece, Luxembourg, Madagascar, Malawi, New Zealand, Senegal, Sweden, the Republic of Korea and the United States of America subsequently joined the sponsors.

825. The representative of Germany orally revised the draft resolution by deleting in the tenth preambular paragraph the words "in any way" after the words "their provision does not", and replacing the words "scrutiny through the various monitoring procedures" with the words "monitoring through the various procedures".

826. The representative of Cuba made a statement about the draft resolution.

827. The representatives of the Sudan and India made statements in explanation of their delegations' positions.

828. The draft resolution, as revised, was adopted without a vote.

829. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/53.

830. At the 53rd meeting, on 3 March 1995, the representative of Brazil introduced draft resolution E/CN.4/1995/L.77, sponsored by Argentina, Austria, Brazil, Bulgaria, Chile, Colombia, the Dominican Republic, Guatemala, Israel, Peru, Portugal, the Republic of Korea, the Russian Federation and Venezuela. Australia, Germany, Greece, India, Malawi and Uruguay subsequently joined the sponsors.

831. The representative of Brazil orally revised the draft resolution by replacing operative paragraph 6, which read:

> "Reiterates the request by the General Assembly to the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial assistance to States that request such assistance for national projects aimed at the realization of human rights and the maintenance of the rule of law, and to submit a report on the matter to the General Assembly at its fiftieth session."

by a new paragraph.

832. The draft resolution, as revised, was adopted without a vote.

833. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/54.

834. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1995/L.79, sponsored by Australia, Austria, Canada, France, the Netherlands, Norway and the United States of America. Ireland, Italy, Japan, New Zealand, Switzerland and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

835. The draft resolution was adopted without a vote.

836. At the 59th meeting, on 7 March 1995, after the adoption of the draft resolution, the representative of Indonesia made a statement in explanation of his delegation's position.

837. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/55.

838. At the 53rd meeting, on 3 March 1995, the representative of Italy introduced draft resolution E/CN.4/1995/L.85, sponsored by Ireland and Italy. Australia, Canada, Finland, France, Germany, Japan, New Zealand and Spain subsequently joined the sponsors.

839. The representative of Italy orally revised the draft resolution by inserting in operative paragraph 3, after the words "advisory services for Somalia" and before the words "inter alia", the words "upon request".

840. The resolution, as revised, was adopted without a vote.

841. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/56.

XXII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

842. The Commission considered agenda item 22 concurrently with items 13 and 20 (see chaps. XIII and XX) at its 19th to 23rd meetings, on 10 to 14 February, and at its 42nd meeting, on 24 February 1995. 1/

843. In relation to agenda item 22, the Commission had before it the following documents:

Report submitted by the Special Rapporteur, Mr. Abdelfattah Amor, pursuant to Commission resolution 1994/18 (E/CN.4/1995/91 and Add.1);

Report of the Secretary-General (E/CN.4/1995/92);

Note verbale dated 4 January 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/123);

Letter dated 14 February 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/149);

Written statement by the Baha'í International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/11);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/25);

Written statement submitted by the Society of Threatened Peoples, a non-governmental organization in consultative status (category II) and the International Association of Educators for World Peace, a non-governmental organization on the Roster (E/CN.4/1995/NGO/26);

Written statement by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/30).

844. At the 19th meeting, on 10 February 1995, Mr. Abdelfattah Amor, Special Rapporteur on the question of religious intolerance, introduced his report (E/CN.4/1995/91 and Add.1) to the Commission.

845. In the general debate on agenda item 22, statements 3/ were made by the following members of the Commission: Algeria (22nd), China (19th and 21st), El Salvador (22nd), India (22nd), Republic of Korea (22nd) and Sudan (22nd).

846. The Commission also heard a statement by the observer for Ireland (19th).

847. The observer for the Holy See (19th) also made a statement.

848. The Commission also heard statements by the following non-governmental organizations: Coordinating Board of Jewish Organizations (20th), Indian Institute for Non-Aligned Studies (21st), International Association for the Defence of Religious Liberty (20th), International Association of Educators for World Peace (23rd), International Committee for European Security and Cooperation (23rd), International Indian Treaty Council (23rd), International League of Human Rights (23rd), International Organization for the Development of Freedom of Education (21st) and World Muslim Congress (21st).

849. Statements in exercise of the equivalent to the right of reply were made by the observers for Iraq (23rd), Turkey (23rd) and Viet Nam (23rd).

850. At the 23rd meeting, on 14 February 1995, the Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor, made his final observations.

851. At its 42nd meeting, on 24 February 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 22.

852. The observer for Ireland introduced draft resolution E/CN.4/1995/L.31, sponsored by Albania, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, South Africa, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Costa Rica, Cyprus, Ecuador, El Salvador, Greece, India, Jordan, Latvia, Mauritius, the Philippines, the Republic of Korea, Slovakia, Slovenia and Venezuela subsequently joined the sponsors.

853. At the same meeting, the observer for Ireland orally revised the draft resolution as follows: In operative paragraph 18, after the words "to bear in mind", the words ", in accordance with the relevant resolutions of the General Assembly and of the Commission on Human Rights concerning the work of the thematic rapporteurs," were inserted.

854. Statements in connection with the draft resolution as orally revised were made by the representatives of China, Cuba and India and the observer for Ireland.

855. The Commission decided to postpone consideration of the draft resolution.

856. At the same meeting, the Commission resumed consideration of draft resolution E/CN.4/1995/L.31.

857. The observer for Ireland withdrew the revision to the draft resolution.

858. The draft resolution was adopted without a vote.

859. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/23.

XXIII. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

860. The Commission considered agenda item 23 at its 59th meeting, on 7 March, and at its 62nd meeting, on 8 March 1995. 1/

861. In relation to agenda item 23, the Commission had before it the report of the working group on its tenth session (E/CN.4/1995/93).

862. At the 59th meeting, on 7 February 1995, the observer for Norway, on behalf of Mr. Jan Helgesen, Chairman-Rapporteur, introduced the report of the working group on its tenth session.

863. In the general debate on agenda item 23, statements 3/ were made by the following members of the Commission: Canada (59th), Chile (59th), Poland (59th), United States of America (59th) and Venezuela (59th).

864. The Commission also heard a statement by the observer for Iceland (59th).

865. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (59th), International Commission of Jurists (59th), International Federation of Human Rights (59th) and Pax Roma (59th).

866. A joint statement was made by the International Federation of Human Rights (59th) on behalf of: Amnesty International, Baha'í International Community, International Federation of ACAT, International Federation of Human Rights, International Service for Human Rights, Latin American Federation of Associations of Relatives of Disappeared Detainees and Pax Christi International.

867. At its 62nd meeting, on 8 March 1995, the Commission took up consideration of the draft resolution submitted under agenda item 23.

868. The observer for Norway introduced draft resolution E/CN.4/1995/L.98, sponsored by Argentina, Australia, Austria, Belgium, Cameroon, Chile, the Czech Republic, Denmark, Finland, Greece, Iceland, Ireland, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Sweden, Switzerland, the Syrian Arab Republic, Tunisia, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Bulgaria, Canada, France, Germany, Italy, Liechtenstein, Mexico, South Africa and the United States of America subsequently joined the sponsors.

869. The draft resolution was adopted without a vote.

870. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/84.

XXIV. RIGHTS OF THE CHILD, INCLUDING: (a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD; (b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN (c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR; (d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

871. The Commission considered agenda item 24 at its 56th to 58th meeting, on 6 to 7 March 1995 and at its 61st meeting, on 8 March 1995. 1/

872. The Commission had before it the following documents:

Note by the Secretariat (E/CN.4/1995/94);

Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (E/CN.4/1995/95);

Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (E/CN.4/1995/96);

Report of the Secretary-General (E/CN.4/1995/97);

Note by the Secretary-General (E/CN.4/1995/106);

Report of the Secretary-General (E/CN.4/1995/112);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/127);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1995/129);

Note verbale dated 16 January 1995 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1995/135);

Letter dated 8 February 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/151);

Joint written statement submitted by the International Save the Children Alliance, a non-governmental organization in consultative status (category I), and the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/4);

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/15);

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster (E/CN.4/1995/NGO/43);

Written statement submitted by Christian Solidarity International, a non-governmental organization on the Roster (E/CM.4/1995/NGO/50).

873. At the 50th meeting, on 1 March 1995, the expert on the issue of protection of children affected by armed conflicts, Mrs. Gracia Simbine Machel, introduced the progress report of the Secretary-General (A/49/643).

874. At the 57th meeting, on 7 March 1995, the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Mr. Nils Eliasson, introduced the report of the working group (E/CN.4/1995/96).

875. At the same meeting, the Chairman of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication, Mr. Iván Mora Godoy, introduced his report (E/CN.4/1995/95).

876. In the general debate on agenda item 24, statements 3/ were made by the following members of the Commission: Angola (58th), Australia (56th), Bhutan (57th), Brazil (56th), Cameroon (57th), Chile (56th), China (56th), Cuba (57th), Dominican Republic (56th), Egypt (57th), France (on behalf of the European Union) (56th), Nepal (56th), Nicaragua (56th), Pakistan (57th), Philippines (56th), Poland (56th), Republic of Korea (56th), Romania (56th) and Sudan (56th).

877. The Commission also heard statements by the observers for: Czech Republic (56th), Honduras (57th), Iraq (56th), Libyan Arab Jamahiriya (57th), Madagascar (56th), Morocco (57th), Senegal (57th) and Slovakia (57th).

878. The observer for the United Nations Children's Fund made a statement (56th).

879. Statements were also made by the observers for the International Committee of the Red Cross (56th) and the International Federation of Red Cross and Red Crescent Societies (56th).

880. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (57th), Christian Democrat International (57th), Christian Solidarity International (57th), Commission for the Defense of Human Rights in Central America (57th), General Arab Women's Federation (57th), Habitat International Coalition (57th), International Association Against Torture (57th), International Association for the Defence of Religious Liberty (56th), International Association of Educators for World Peace (56th), International Catholic Child Bureau (57th), International Committee for European Security and Cooperation (57th),

International Confederation of Free Trade Unions (56th), International Educational Development Inc. (57th), International Federation of University Women (57th), International Federation - Terre des Hommes (56th), International Movement Against All Forms of Racism and Discrimination (57th), Latin American Federation of Associations of Relatives of Disappeared Detainees (56th), Pax Christi International (56th), World Federation of Methodist Women (56th), World Movement of Mothers (57th) and World Organization against Torture (56th).

881. A statement was made by the Friends World Committee for Consultation (56th) on behalf of the International Save the Children Alliance and itself.

882. Statements in exercise of the right of reply were made by the representatives of Bangladesh (58th), Pakistan (56th) and India (56th).

883. Statements in the exercise of the right of reply for the second time were made by the representatives of India (58th) and Pakistan (58th).

884. At its 61st meeting, on 8 March 1995, the Commission took up consideration of draft resolutions under agenda item 24.

885. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/1995/L.103 sponsored by Bolivia, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, El Salvador, France, Guatemala, Mexico, Nicaragua, Peru, South Africa and Venezuela. Australia, the Gambia, Ireland, Morocco, Nepal, Nigeria, Romania and Senegal subsequently joined the sponsors.

886. The representative of Cuba orally revised the draft resolution as follows:

(a) The fifth preambular paragraph, which read: "Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the important role it plays in ensuring effective protection of the rights of the child," was deleted;

(b) The eleventh preambular paragraph, which read: "Taking into account the necessity that the Special Rapporteur be assisted by the cooperation of Governments and provided with information on this matter," was deleted;

(c) The eighteenth preambular paragraph, which read: "Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions on this problem," was deleted;

(d) The nineteenth preambular paragraph, which read: "Having considered the report submitted to the General Assembly by the Special Rapporteur on the sale of children, child prostitution and child pornography (A/49/478) and the conclusions and recommendation contained therein," was deleted;

(e) In operative paragraph 1, after the words "sale of children" the words "and their organs" were deleted;

(f) Operative paragraph 6, which read: "Welcomes the report submitted to the General Assembly by the Special Rapporteur on the sale of children, child prostitution and child pornography (A/49/478);" was deleted;

(g) Operative paragraph 7, which read: "Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children and their organs, child prostitution and child pornography;" was deleted;

(h) Operative paragraph 13, which read: "Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Subcommission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with the question covered by her mandate, including the Commission on Crime Prevention and Criminal Justice and the International Criminal Police Organization, and to this effect invites her to participate in the next session of the Committee of the Rights of the Child and of the Working Group on Contemporary Forms of Slavery;" was deleted;

(i) Operative paragraph 14, which read: "Calls upon the Special Rapporteur to request relevant information on situations, wherever they may occur involving the sale of children, child prostitution and child pornography, as well as other questions related to this problem;" was deleted;

(j) Operative paragraph 15, which read: "Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to the economic, social, legal and cultural factors affecting these phenomena;" was deleted;

(k) Operative paragraph 16, which read: "Also requests the Special Rapporteur to include in her future reports recommendations on concrete measures by Governments to eradicate the practices of the sale of children, child prostitution and child pornography;" was deleted.

887. Statements in connection with the draft resolution were made by the representatives of Canada, Germany, Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

888. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft resolution. The draft resolution was adopted by 42 votes to 0, with 11 abstentions. The voting was as follows:

In favour: Algeria, Angola, Australia, Bangladesh, Benin, Bhutan, Bulgaria, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Guinea-Bissau, India, Indonesia, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: None

Abstaining: Austria, Brazil, Canada, Germany, Hungary, Italy, Japan, the Netherlands, Poland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

889. Statements in explanation of vote after the vote were made by the representatives of Austria and Japan.

890. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/78.

891. At the same meeting, the representative of France introduced draft resolution E/CN.4/1995/L.105 sponsored by Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Luxembourg, the Netherlands, Norway, the Philippines, Poland, Portugal, Slovakia, South Africa, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Algeria, Australia, Benin, Bolivia, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, the Gambia, Guinea-Bissau, Honduras, Hungary, Jordan, Latvia, Liechtenstein, Madagascar, Malawi, Mexico, Nepal, New Zealand, Nicaragua, Nigeria, Peru, the Republic of Korea, Romania, the Russian Federation, Senegal, Slovenia, Sri Lanka, Switzerland, Togo, Uruguay, the United States of America, Venezuela and Zimbabwe subsequently joined the sponsors.

892. The representative of France orally revised the draft resolution as follows:

(a) The second preambular paragraph was moved to after the third preambular paragraph;

(b) In the fourth preambular paragraph, after the words "international market" the words "for child pornography, child prostitution and fraudulent adoption" were inserted;

(c) In the seventh preambular paragraph, the words "in contravention of the Convention on the Rights of the Child," were added at the end of the paragraph;

(d) In the twelfth preambular paragraph, the word "character" was replaced by the word "nature";

(e) In the last preambular paragraph, after the words "Noting with" the word "appreciation" was replaced by the word "interest";

(f) A paragraph was inserted as the new last preambular paragraph;

(g) In operative paragraph 7, after the words "universal adherence" the words "by the end of 1995" were deleted;

(h) In operative paragraph 8, the word "Governments" was replaced by the words "States Parties"; after the words "to implement" the words "fully all the provisions of" were deleted;

(i) In operative paragraph 9, the words "the aim of withdrawing" were replaced by the words "a view of considering the withdrawal of"; the words "to other relevant rules of international law" were replaced by the words "otherwise contrary to international treaty law";

(j) In operative paragraph 10, the word "Welcomes" was replaced by the words "Takes note of"; at the end of the paragraph, the words "to the Convention as a part of its important functions in overseeing the effective implementation of the Convention" were deleted;

(k) In operative paragraph 13, after the words "Recommends that" the words ", within their mandates," were inserted; after the words "Committee on the Rights of the Child," the words " within their mandates" were deleted.

893. The draft resolution, as orally revised, was adopted without a vote.

894. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/79.

895. The Commission considered agenda item 25 at its 47th and 58th meetings, on 28 February and 7 March 1995, at its 61st and 62nd meetings, on 8 March and at its 63rd meeting, on 10 March 1995. [1]

896. In relation to agenda item 25, the Commission had before it the following documents:

Report of the High Commissioner for Human Rights (E/CN.4/1995/98);

Note by the secretariat (E/CN.4/1995/109);

Letter dated 10 January 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/131);

Letter dated 10 February 1995 from the Permanent Representative of the Republic of Latvia to the United Nations Office at Geneva, addressed to the Chairman of the Commission (E/CN.4/1995/146).

897. In the general debate on agenda item 25, statements [3] were made by the following members of the Commission: Algeria (47th), Austria (47th, 58th), Australia (58th), Chile (58th), China (58th), Cuba (47th, 58th), Finland (47th), Malaysia (58th), Netherlands (47th), Nicaragua (58th), Pakistan (58th), Poland (58th), Republic of Korea (58th), Romania (58th), Russian Federation (58th), Sudan (47th) and United States of America (47th, 58th).

898. The Commission also heard statements by the observers for: Israel (47th), Kenya (58th), Tunisia (47th) and Ukraine (58th).

899. At the 58th meeting, on 7 March 1995, a statement was made by the representative of the United Nations Educational, Scientific and Cultural Organization.

900. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (58th), International League for Human Rights (58th) and World Federalist Movement (58th).

901. At its 61st meeting, on 8 March 1995, the Commission took up consideration of the draft resolutions submitted under agenda item 25.

902. The representative of Austria introduced draft resolution E/CN.4/1995/L.78. Albania, Algeria, Argentina, Armenia, Australia, Benin, Brazil, Bulgaria, Chile, Costa Rica, Denmark, the Dominican Republic, Finland, France, the Gambia, Germany, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Luxembourg, Madagascar, Malawi, Mauritania, Mauritius, New Zealand, Nepal, Nicaragua, Norway, Pakistan, Peru, Poland, the Republic of Korea, Romania, the Russian Federation, Slovenia, Spain, Sri Lanka, Sweden, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Zimbabwe subsequently joined the sponsor.

903. The representative of Austria orally revised the draft resolution as follows:

(a) A new paragraph was inserted as operative paragraph 4;

(b) Operative paragraph 7, which read: "Recognizes the importance of continued dialogue and cooperation between Governments and non-governmental organizations and the role the Commission has to play in continuing to provide a forum for such dialogue;" was replaced by a new paragraph;

(c) In operative paragraph 11, after the word "programmes" the words "whose activities deal with human rights" were inserted;

(d) In operative paragraph 13, after the words "Requests the Secretary-General to" the word "provide" was replaced by the word "propose".

904. The draft resolution, as orally revised, was adopted without a vote.

905. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/80.

906. At the 62nd meeting, on 8 March 1995, the representative of Cuba introduced draft resolution E/CN.4/1995/L.92. The draft resolution read as follows:

"Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

"The Commission on Human Rights,

"Reaffirming the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which it is stated that all activities in the implementation of the human rights programme of the United Nations system should follow strict and transparent project management rules and that regular programme and project evaluations should be held periodically, the results being made available regularly to Member States,

"Taking into account the need to adjust the human rights programme of the United Nations system in accordance with the Vienna Declaration and Programme of Action and with the mandates given by the General Assembly, the Economic and Social Council and the Commission on Human Rights, and consequently to ensure an efficient and adequate use of resources in conformity with such mandates,

"Stressing the need to reflect adequately the Vienna Declaration and Programme of Action in the revisions of the medium-term plan of the human rights programme of the United Nations system,

"1. Requests the Secretary-General to submit to the General Assembly, at its fiftieth session, a revised draft of the programme on human rights of the United Nations system

(A/49/6 (programme 35)) in accordance with the letter and spirit of the Vienna Declaration and Programme of Action, as well as with the specific legislative mandates given by the General Assembly, the Economic and Social Council and the Commission on Human Rights;

"2. Requests the Secretary-General to organize each year a meeting of all Member States and organizations directly involved in the programme, in order to evaluate the implementation of the Vienna Declaration and Programme of Action as well as the mandates given by the General Assembly, the Economic and Social Council and the Commission on Human Rights with the human rights programme of the United Nations system, and to report at that meeting on the use of the resources allocated to each mandate;

"3. Decides to consider this matter at its fifty-second session."

907. At the same meeting, the representative of Cuba orally revised the draft resolution as follows:

(a) The first preambular paragraph of draft resolution E/CN.4/1995/L.92 was divided into two paragraphs. The new first preambular paragraph read as follows: "Reaffirming the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights," and the new second preambular paragraph read as follows: "Stressing the need for all activities in the implementation of the programme of the United Nations system on human rights to follow strict and transparent project management rules and that regular programme and project evaluations should be held periodically, with the results being regularly made available to Member States,";

(b) A new last preambular paragraph was added which read: "Noting that the restructuring of the Centre for Human Rights should fully conform with the mandates of the Vienna Declaration and Programme of Action as well as with those provided by the General Assembly, the Economic and Social Council and the Commission on Human Rights, and be a continuous process, and that all project evaluations should be held periodically,";

(c) Operative paragraph 1 was redrafted as follows: "Stresses the need for the ongoing process of consultations with all Member States for revisions of the medium-term plan of the human rights programme of the United Nations system (A/49/6 (programme 35)) to reflect fully, at every stage, the letter and spirit of the Vienna Declaration and Programme of Action, in keeping with the specific legislative mandates given by the General Assembly, the Economic and Social Council and the Commission on Human Rights;";

(d) A new operative paragraph 2 bis was added, which read "Requests further the Secretary-General that, before the process of restructuring the Centre for Human Rights and its programme of work, which should be an ongoing process, is implemented, it should be elaborated with the full participation of all Member States and submitted to the Commission on Human Rights at its fifty-second session;".

908. A statement in connection with the draft resolution and the proposed revisions was made by the representative of the Netherlands.

909. At the request of the representative of Cuba, consideration of the draft resolution and of the revisions thereto was postponed.

910. At its 63rd meeting, on 10 March 1995, the Commission resumed consideration of draft resolution E/CN.4/1995/L.92 and of the revisions thereto.

911. The representative of Cuba orally revised further the draft resolution.

912. The draft resolution, as revised at the 63rd meeting, was adopted without a vote.

913. After the adoption of the draft resolution, the representative of France, on behalf of the European Union, made a statement in explanation of his delegation's position.

914. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/93.

XXVI. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

915. The Commission considered agenda item 26 concurrently with agenda item 14 (see chap. XIV) at its 59th meeting, on 7 March, and at its 62nd meeting, on 8 March 1995. 1/

916. In relation to agenda item 26, the Commission had before it the following documents:

Report of the Secretary-General prepared pursuant to Commission resolution 1993/84 (E/CN.4/1995/99 and Add.1);

Written statement submitted by Friends World Committee for Consultation, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/1);

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II) (E/CN.4/1995/NGO/2).

917. In the general debate on agenda item 26, a statement 3/ was made by the following member of the Commission: Sudan (59th).

918. The Commission also heard statements by the following non-governmental organizations: Friends World Committee for Consultation (59th), International Indian Treaty Council (59th), Pax Christi International (59th), War Resisters International (59th) and World Federation of Democratic Youth (59th).

919. Statements in exercise of the right of reply or its equivalent were made by the representative of the Sudan (59th) and the observer for Turkey (59th).

920. On 2 March 1995, draft resolution E/CN.4/1995/L.82 was submitted by the Netherlands.

921. At its 62nd meeting, on 8 March 1995, the representative of the Netherlands introduced a revised draft resolution (E/CN.4/1995/L.82/Rev.1), sponsored by Austria, Canada, Germany, Hungary and the Netherlands. The Czech Republic, Costa Rica, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

922. In revised draft resolution E/CN.4/1995/L.82/Rev.1, operative paragraph 11 of draft resolution E/CN.4/1995/L.82, which read as follows: "Decides to consider this matter further at its fifty-third session under the agenda item entitled 'The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service';" was replaced by a new paragraph.

923. A statement in connection with the revised draft resolution was made by the representative of Poland.

924. The revised draft resolution was adopted without a vote.

925. For the text of the resolution as adopted, see chapter II, section A, resolution 1995/83.

XXVII. DRAFT PROVISIONAL AGENDA FOR THE FIFTY-SECOND SESSION OF THE COMMISSION

926. The Commission considered agenda item 27 at its 64th meeting, on 10 March 1995. 1/

927. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1995/L.1) containing a draft provisional agenda for the fifty-second session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their consideration.

928. The Commission took note of the draft provisional agenda.

929. The draft provisional agenda for the fifty-second session of the Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

   Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

   Documentation:

   (a) Report of the independent expert on the situation of human rights in Guatemala (resolution 1995/51, paras. 25 and 26), to be considered under the relevant agenda item in the light of her report;

   (b) Report of the Secretary-General on the situation of human rights in the Republic of Chechnya (statement agreed upon by consensus by the Commission, made by the Chairman on 27 February 1995);

   (c) Report of the Secretary-General on the situation of human rights in Somalia and the implementation of the resolution on assistance to Somalia in the field of human rights, to be considered under the appropriate agenda item in the light of the report of the Secretary-General (resolution 1995/56, paras. 5 and 6);

   (d) Report of the Special Rapporteur on the question of the adverse effect of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (Commission resolution 1995/81, paras. 8 and 12);

(e) Report of the Special Rapporteur on the situation of human rights in Burundi (Commission resolution 1995/90, paras. 14 and 16).

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

Legislative authority: Commission resolutions 1995/1 and 1995/2.

Documentation:

(a) Report of the Special Rapporteur (resolution 1993/2 A, para. 4);

(b) Reports of the Secretary-General (resolution 1995/1, para. 5; resolution 1995/2, para. 6);

(c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (resolution 1995/1, para. 6).

5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

Legislative authority: Commission resolutions 1995/13, 1995/14, 1995/15, 1995/16.

Documentation:

Report of the Secretary-General (resolution 1995/13, para. 10; resolution 1995/14, para. 8).

6. Question of the realization of the right to development.

Legislative authority: Commission resolution 1995/17.

Documentation:

(a) Report of the Working Group on the Right to Development (para. 9);

(b) Report of the Secretary-General (para. 15).

7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1995/4, 1995/5 and 1995/7.

Documentation:

(a) Report of the Secretary-General (resolution 1995/4, para. 3);

(b) Report of the Special Rapporteur on mercenaries (resolution 1995/5, para. 7).

8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Legislative authority: Commission resolutions 1995/33, 1995/34, 1995/35, 1995/36, 1995/37, 1995/38, 1995/39, 1995/40, 1995/41, 1995/59 and decision 1995/110.

Documentation:

(a) Report of the Working Group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1995/33, paras. 2 and 6);

(b) Report of the Secretary-General on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (para. 4 of resolution 1995/34);

(c) Report of the expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process on missing persons in the territory of the former Yugoslavia (resolution 1995/35, para. 4);

(d) Report of the Special Rapporteur on the independence of judges and lawyers (para. 7 of resolution 1995/36);

(e) Report of the Board of Trustees of the Voluntary Fund for Victims of Torture (resolution 1995/37 A, para. 16);

(f) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 1995/37 A, para. 19);

(g) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1995/37 A, para. 19);

(h) Report of the Special Rapporteur on the question of torture (resolution 1995/37 B, para. 12);

(i) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 1995/38, para. 28);

(j) Report of the Secretary-General on the status of the Convention on the Safety of United Nations and Associated Personnel, the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, and on the implementation of resolution 1995/39 (para. 9);

(k) Report of the Special Rapporteur on the right to freedom of opinion and expression (resolution 1995/40, para. 18);

(l) Report of the Secretary-General on the implementation of resolution 1995/41 on human rights in the administration of justice, in particular of children and juveniles in detention (para. 15);

(m) Annual report of the Special Rapporteur of the Subcommission on human rights and states of emergency (resolution 1995/42);

(n) Report of the Working Group on Arbitrary Detention (resolution 1995/59, para. 18).

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordination role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exoduses and displaced persons.

Legislative authority: Commission resolutions 1995/43, 1995/44, 1995/45, 1995/47, 1995/48, 1995/50, 1995/57, 1995/60, 1995/61, 1995/62, 1995/64, 1995/85, 1995/86, 1995/87 and 1995/88.

Documentation:

(a) Report of the Secretary-General on human rights and terrorism (resolution 1995/43, para. 4);

(b) Progress report of the Secretary-General on the development of a human rights component in the joint and co-sponsored United Nations programme on HIV/AIDS (resolution 1995/44, para. 13);

(c) Report of the Secretary-General on unilateral coercive measures (resolution 1995/45, para. 9);

(d) Reports of the High Commissioner for Human Rights on the Decade for Human Rights Education (resolution 1995/47, paras. 2 and 4);

(e) Report of the Secretary-General on regional arrangements in the Asian and Pacific region (resolution 1995/48, para. 15);

(f) Report of the Secretary-General on national institutions for the promotion and protection of human rights (resolution 1995/50, para. 15);

(g) Annual report of the representative of the Secretary-General on internally displaced persons (resolution 1995/57, para. 16);

(h) Report of the Secretary-General on ways and means of overcoming obstacles to the consolidation of democratic societies (resolution 1995/60, paras. 1 and 3);

(i) Report of the Special Rapporteur on violence against women (resolution 1994/45, para. 6);

(j) List by the Secretary-General on human rights and thematic procedures containing all persons currently constituting the thematic and country procedures, including their country of origin (resolution 1995/87, para. 18);

(k) Updated report of the Secretary-General on human rights and mass exoduses (resolution 1995/88, para. 13).

10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

Legislative authority: Commission resolutions 1995/65, 1995/66, 1995/67, 1995/68, 1995/69, 1995/71, 1995/72, 1995/73, 1995/74, 1995/75, 1995/76, 1995/77, 1995/89, 1995/91 and decision 1995/113.

Documentation:

(a) Report of the Representative of the Secretary-General on the situation of human rights in the Papua New Guinea island of Bougainville (resolution 1995/65, para. 6);

(b) Report of the Special Rapporteur on the situation of human rights in Cuba (resolution 1995/66, para. 12);

(c) Report of the Secretary-General on the situation of human rights in southern Lebanon and the Western Bekaa (resolution 1995/67, para. 6 (b));

(d) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (resolution 1995/68, para. 12);

(e) Report of the Special Rapporteur on the situation of human rights in Zaire (resolution 1995/69, para. 16);

(f) Report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (resolution 1995/71, para. 14);

(g) Report of the Special Rapporteur on the situation of human rights in Myanmar (resolution 1995/72, para. 23);

(h) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (resolution 1995/73, para. 5 (a));

(i) Report of the Special Rapporteur on the situation of human rights in Afghanistan (resolution 1995/74, para. 19);

(j) Report of the Secretary-General on reprisals against those cooperating with representatives of United Nations human rights bodies (resolution 1995/75, para. 6);

(k) Report of the Special Rapporteur on the situation of human rights in Iraq (resolution 1995/76, para. 15);

(l) Report of the Special Rapporteur on the situation of human rights in the Sudan (resolution 1995/77, para. 23);

(m) Reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (resolution 1995/89, paras. 42 and 44);

(n) Report of the Special Rapporteur on the situation of human rights in Rwanda (resolution 1995/91, para. 19);

(o) Report of the Secretary-General on the question of human rights in Cyprus (decision 1995/113);

(p) Report of the Secretary-General on East Timor (statement agreed on by consensus by the Commission, made by the Chairman on 1 March 1995).

11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

Legislative authority: Commission resolution 1995/20 and 1995/21.

Documentation:

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 1995/21, para. 6).

12. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

Legislative authority: Commission resolutions 1995/11 and 1995/12.

Documentation:

(a) Annual report of the Secretary-General (resolution 1995/11, para. 22);

(b) Comprehensive report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolution 1995/12, para. 18).

13. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolutions 1995/18 and 1995/22.

Documentation:

(a) Report of the Secretary-General (resolution 1995/18, para. 5);

(b) Report of the Secretary-General (resolution 1995/22, para. 5).

14. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolutions 1995/92.

Documentation:

Report of the Secretary-General (resolution 1995/92, para. 24).

15. Report of the Subcommission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session.

Legislative authority: Commission resolution 1995/25, 1995/26, 1995/27, 1995/28, 1995/29, 1995/30, 1995/31, 1995/32, 1995/58 and decision 1995/107.

Documentation:

(a) Preliminary report of the Secretary-General on traffic in women and girls (resolution 1995/25, para. 11);

(b) Report of the Chairman of the Subcommission (resolution 1995/26, para. 13);

(c) Final draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others (resolution 1995/27, para. 13);

(d) Report of the Secretary-General on the question of minimum humanitarian standards (resolution 1995/29, para. 4);

(e) Report of the Working Group on Indigenous Populations on the establishment of a permanent forum for indigenous people (resolution 1995/30, para. 4);

(f) Progress report of the Working Group on a draft declaration (resolution 1995/32, para. 5).

16. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 1995/24.

Documentation:

(a) Report of the Secretary-General (para. 13);

(b) Annual report of the Working Group of the Subcommission (para. 10).

17. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1995/52, 1995/53, 1995/54, 1995/55, 1995/56, 1995/70.

Documentation:

(a) Report of the Secretary-General on the implementation of the resolution on the situation of human rights in Togo (resolution 1995/52, para. 9);

(b) Report of the Secretary-General on progress in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights (resolution 1995/53, paras. 10 and 17);

(c) Report of the Secretary-General on the possibilities of obtaining technical and financial assistance for States that request assistance for national projects aimed at the realization of human rights and the maintenance of the rule of law from relevant institutions of the United Nations system (resolution 1995/54, para. 6);

(d) Report of the Special Representative on the situation of human rights in Cambodia (resolution 1995/55, para. 25);

(e) Report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (resolution 1995/55, para. 26);

(f) Report of the Independent Expert on the implementation of the resolution on assistance to the Haitian Government in the area of human rights (resolution 1995/70, para. 11).

18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1995/23.

Documentation:

Report of the Special Rapporteur (para. 22).

19. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1995/84.

Documentation:

Report of the Working Group (resolution 1995/84).

20. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

Legislative authority: Commission resolutions 1992/74, 1995/78 and 1995/79.

Documentation:

(a) Report of the Subcommission on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (resolution 1992/76, para. 8);

(b) Report of the Working Group (resolution 1995/78);

(c) Report of the Special Rapporteur on the sale of children (resolution 1995/79, para. 3);

(d) Report of the Working Group (resolution 1995/79);

(e) Report of the Secretary-General on the status of the Convention on the Rights of the Child (resolution 1995/79, para. 24).

21. Follow-up to the World Conference on Human Rights.

Legislative authority: Commission resolution 1995/80.

Documentation:

Report of the High Commissioner for Human Rights on the follow-up to the World Conference on Human Rights (resolution 1995/80, para. 15).

22. The question of conscientious objection to military service.

Legislative authority: Commission resolution 1995/83.

Documentation:

Report of the Secretary-General (para. 10).

23. Election of members of the Subcommission on Prevention of Discrimination and Protection of Minorities.

Legislative authority: Economic and Social Council resolutions 1334 (XLIV) and 1986/35 and decisions 1978/21 and 1987/102.

Documentation:

Note by the Secretary-General containing nominations of candidates for election to membership of the Subcommission.

24. Draft provisional agenda for the fifty-third session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-third session of the Commission, together with information concerning documentation relating thereto.

25. Report to the Economic and Social Council on the fifty-second session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXVIII. ADOPTION OF THE REPORT

930. At its 64th meeting, on 10 March 1995, the Commission considered the draft report on the work of its fifty-first session. The draft report, as amended in the course of the discussion, was adopted.

Notes

1/ Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (E/CN.4/1995/SR.1-64/Corrigendum).

2/ An estimate of the administrative and programme budget implications of Commission resolutions and decisions appears in annex III.

3/ The number in parentheses following the name of a State or organization indicates the meeting at which the statement was made.

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